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# HANSARD'S PARLIAMENTARY DEBATES.

THIRD SERIES,  
COMMENCING WITH THE ACCESSION OF  
WILLIAM IV.

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25° & 26° VICTORIÆ, 1862.

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VOL. CLXVII.  
COMPRISING THE PERIOD FROM  
THE TWENTY-SEVENTH DAY OF MAY, 1862,  
to  
THE SEVENTH DAY OF JULY, 1862.

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Third Volume of the Session.

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Franklin — 1933.

**QUESTION** *Does it deserve to be called a literary work?*

### Lesson 105.

~~1947-1948 The Lambs, Inc., 1947-1948, Inc.~~

THE STATE OF TEXAS vs. JOHN HENRY HOLLOWAY, alias JOHN HOLLOWAY, alias JOHN HOLLOWAY, alias JOHN HOLLOWAY.

Union were larger still—Yours. This is all I can say now. I am sending  
the last & remainder of a case of 200 lbs. in weight. These are  
the remains of my Uncle's collection & therefore I do not know  
what they are. In fact I do not know what the remains of the  
peculiar shells are. The specimens are numerous & I have  
described a few. I will continue to describe.

**Hessey, Frank M.** Executive Vice-Chairman of Committee  
to Elect Senator John F. Kennedy — Vice-chairman,

~~Examiner une leçon à la veille d'examens~~

—Miss Ruth George, arrived 2-15-1912 from 2nd semester at the University of the State of New York at Stony Brook.

Her Journey—return—home. The Rain & Herry—water, "the  
Emperor" — — — "

Ben Ben and Brian Thompson January 31, 1970

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Death & Life Library     ...     ...     ...     ...     ...

ESTATE PLANNING

*Mexico—The United States—Russia, East Europe* ...

United States—One of the "Family St. Farms"—Mother Dove, Wren, Hummer,  
for instance—Part 2 1912

Eignewe Bill [to Mr. —] Read. That the Bill be now read a second time  
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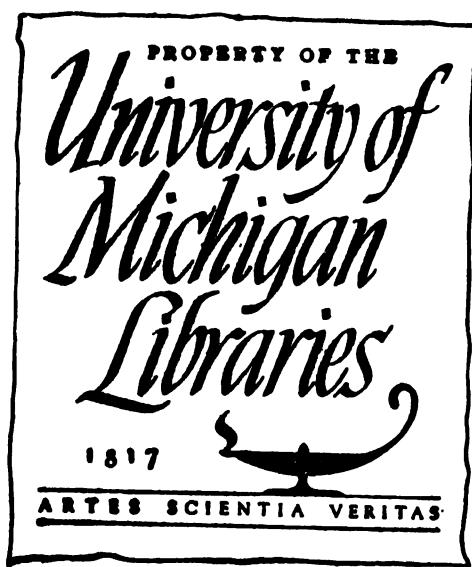
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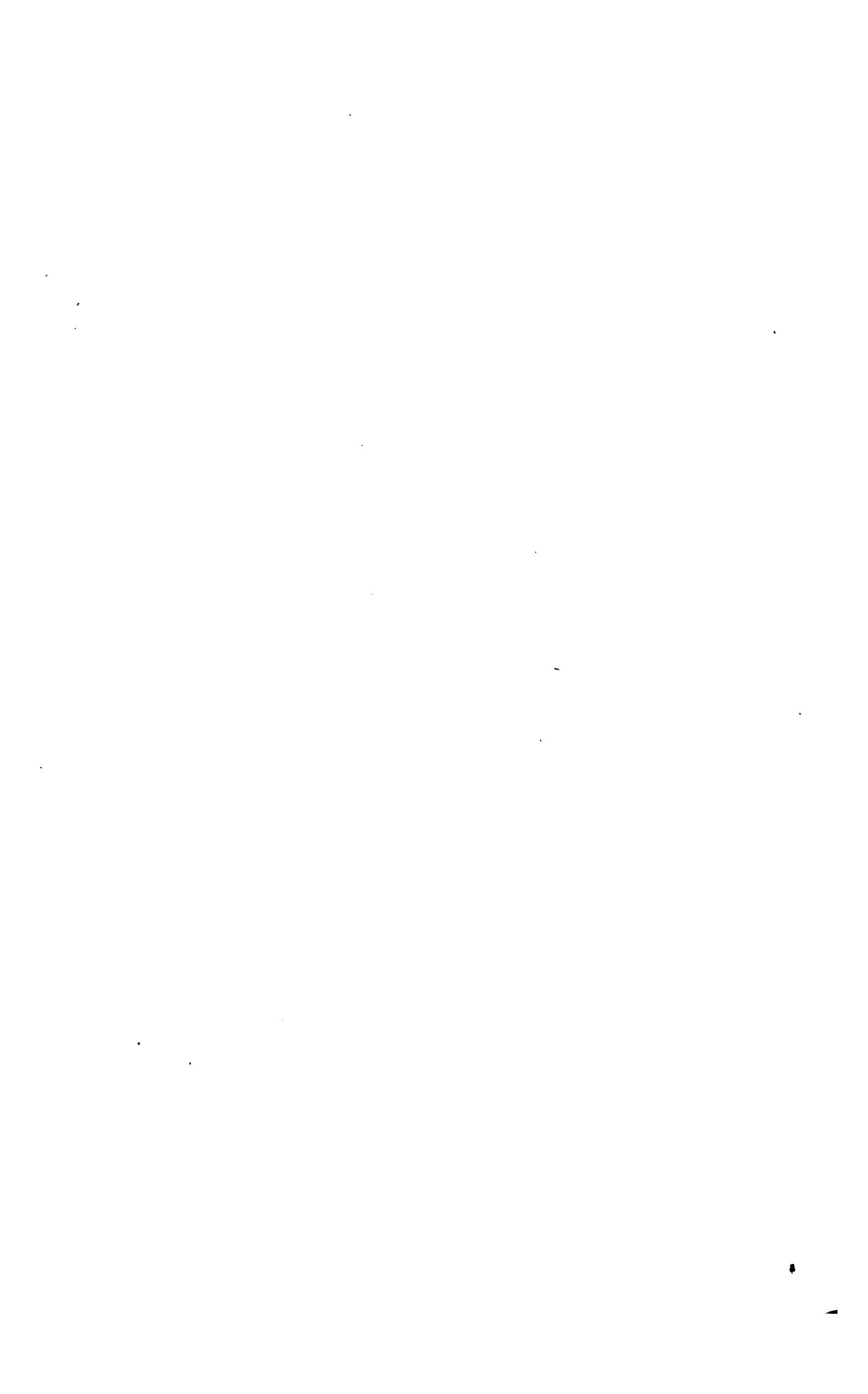
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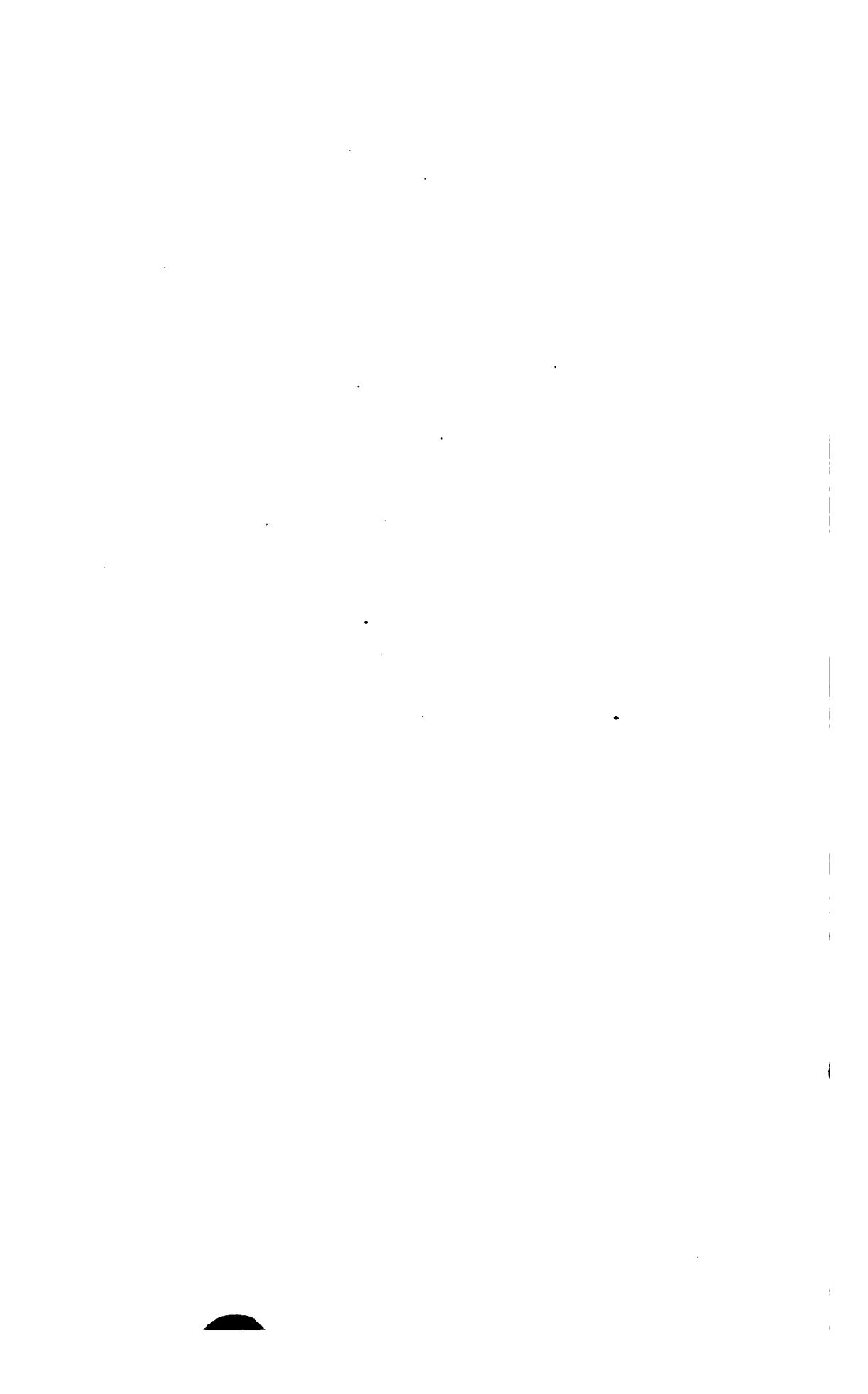
### III. NEW MEMBERS SWORN.

WEDNESDAY, MAY 28.

*Kidderminster.* — Luke White, Esq., v. Alfred Rhodes Bristow, Esq., Chiltern Hundreds.

TUESDAY, JUNE 3.

**Shrewsbury.**—Henry Robertson, Esq., v. Robert Aglionby Slaney, Esq., deceased.



# HANSARD'S PARLIAMENTARY DEBATES,

IN THE

*FOURTH SESSION OF THE EIGHTEENTH PARLIAMENT OF THE  
UNITED KINGDOM OF GREAT BRITAIN AND IRELAND,  
APPOINTED TO MEET 31 MAY, 1859, AND FROM THENCE CON-  
TINUED TILL 6 FEBRUARY, 1862, IN THE TWENTY-FIFTH YEAR  
OF THE REIGN OF*

HER MAJESTY QUEEN VICTORIA.

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THIRD VOLUME OF THE SESSION.

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HOUSE OF LORDS,

Tuesday, May 27, 1862.

MINUTES.]—PUBLIC BILLS.—1<sup>st</sup> Unlawful Oaths (Ireland) Act Continuance; Oxford University. 2<sup>nd</sup> Leases, &c. by Incumbents Restriction Act Amendment; Public Houses (Scotland) Acts Amendment; Local Government Supplemental.

THE SLAVE TRADE.  
TREATY WITH THE UNITED STATES.  
OBSERVATIONS.

LORD BROUGHAM said, he wished to refer to the reply of the noble Earl the Foreign Secretary, on the previous evening, that there was a difficulty in applying the law respecting the slave trade to a foreign ship fitting out in an English port, for the purpose of stating that he had referred to the Acts of 1811 and subsequent Acts, and was obliged to confess that he could see no difficulty; but, at all events, he trusted that measures would be taken now to repress that abominable trade. He desired to urge strongly upon the noble Earl the Foreign Secretary that our Ambassador at Madrid should be directed to urge upon the Spanish Government the propriety of adopting the suggestion of Marshal Serrano, Captain General of Cuba; namely, that slave-trading on the part of

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Spanish subjects should be made piracy and capitally punishable. The noble and learned Lord was understood to say that certain Spanish officers were believed to have received bribes for conniving at the slave trade.

EARL RUSSELL said, he would look into the papers on this subject, and make a statement on Friday on both the points referred to by the noble and learned Lord. With respect to Marshal Serrano, he believed that he was incapable of receiving bribes to permit the prosecution of the slave trade.

LORD BROUGHAM said, he had never heard that Marshal Serrano had been charged with or even in any way suspected of such conduct. On the contrary, he had been most pure and honourable in his government, and, as an instance of that, he had actually suggested that slave trading should be declared piracy and those engaged in it pirates, as the best mode of suppressing that abominable traffic.

ACT OF UNIFORMITY AMENDMENT BILL.  
SECOND READING.

Order of the day for the Second Reading read.

LORD EBURY\* (having presented numerous petitions in favour of the Bill) pro-

ceeded as follows : My Lords, the question I am about to raise is one of considerable importance, and the state of the House proves that the public regard its solution with interest. Under these circumstances I regret that the subject has not fallen into abler hands ; but it is not my fault : I have endeavoured to induce others, whose opinions would have been received with more consideration, especially members of the Episcopal Bench, to take it up, but quite in vain. All that remains for me, therefore, is to endeavour to perform the task to the best of my ability, and, at the outset, to beg at your Lordships' hands a patient and indulgent consideration. Having alluded to the right rev. Bench, I think I ought to say, that whilst I feel sure that the opinions of that right rev. body will weigh much with your Lordships, yet, in truth, this question is rather a lay question than a clerical one ; for, as the right rev. Prelate who presides over this diocese truly observed, in a recent speech—

"The ecclesiastical authorities are not to blame for the provisions of the Act of 1662; it was simply and solely the work of Parliament, and Parliament alone is responsible for it."

I will commence by explaining why it is that I have adopted the present mode of proceeding, after the very small share of success which attended a Motion which I made two years ago of a description so far similar that it included the question now before the House. Your Lordships will remember that on that occasion I moved, in the very terms which found acceptance in this House in 1687, an address for a Royal Commission (the only method known to the Constitution for such a purpose) to examine and report upon the changes which were demanded, and which the lapse of two centuries had, in the opinion of many, rendered necessary, in the liturgy, canons and formularies of our National Church, including also the Act of Uniformity of Charles II. I was opposed on that occasion by all the speakers but one, not upon the ground that no change was necessary, but because my Motion was too extensive and indefinite, and contemplated the revision of some portion of our formularies involving disputed doctrine, which was said to be dangerous to the peace of the Church. The most rev. the Primate, whose absence upon this occasion we all in common regret, candidly avowed his preference generally for the alterations

made in our Prayer Book by the Protestant Episcopal Church of the United States. The right rev. Prelate the Bishop of London went further, and said, that had I confined myself to the terms of subscription, and the rubrics, he thought the result of the Motion would have been different. The noble Lord (Lord Lyttleton), who takes a great and most intelligent interest in these subjects, strongly repudiated the notion of finality. Such being the case, I thought myself justified in taking further counsel on this matter ; and, deferring to the views of those distinguished persons, I prepared my measures accordingly. Of two Bills which I have laid before your Lordships this Session, the object of one is to give the officiating minister, in certain defined cases, a discretion in the performance of Divine worship which the rubric at present prevents his exercising. On that Bill (the Public Worship Bill) I shall not offer any observations, as it is for the present virtually withdrawn ; but I will proceed as briefly as I can to endeavour to persuade your Lordships favourably to receive the measure which stands for second reading this evening, being a Bill for the relaxation of the terms of subscription imposed by the Act of 1662.

I cannot satisfactorily perform the duty I have undertaken without entering a little into the history of that well-known, but often not-very-well-understood Act. It is neither the first, nor the second, nor the third Act of Uniformity which has been passed by Parliament, nor is it the only one now in force ; that enacted a hundred years previously (1st Elizabeth) being in full vigour, with all those tremendous penalties with which the Legislature of those days was wont to enforce its provisions. Even should my present Bill fail, it would be as well that these two Acts of Uniformity should be reviewed, with the object of making them somewhat more intelligible than they are at present, and bringing them into harmony with the more temperate legislation of the present times. Two Acts of Uniformity succeeded each other within two years in the reign of Edward VI. They were repealed by Mary. Then came the Act of Elizabeth, to which I have alluded ; and, lastly, that of Charles II., which it is the object of the present measure to amend. It is quite true that all these Acts pass equally under the name of Acts of Uniformity. They all declare that a particular Book of Common

Prayer, and no other, should be uniformly used in public worship ; and with such portion of the Act of 1662 the Bill your Lordships are now asked to consider in no way interferes ; but the essential difference between the Act of 1662 and all its predecessors is this ;—Not satisfied with enjoining the use of the altered Prayer Book, it makes that book a “ test,” and prescribes two different forms of subscription—one of a general nature, the other a form of absolute and unconditional assent, not to the use only, but to everything contained in and prescribed by the Prayer Book,—in short, to every line and letter which belongs to it. Even after all the allowances—the most ample that can be made for the temper of those times—it is difficult to understand the state of public opinion which could have witnessed—I will not say with complacency, but absolutely with applause, the insertion of such provisions. That the tide should have set strongly against the regicides, against the Independents, against the violent sectaries of Cromwell’s army, was natural enough ; but that all this vengeance should have been discharged upon the Puritans, who were strongly attached to the Established Church, who had always belonged to it, who had remonstrated bravely against the trial and condemnation of the King, who had resisted the imposition of the Covenant, and, above all, who had been foremost in promoting the restoration of the exiled dynasty, does appear difficult to account for. We must not, however, be too hasty in casting indiscriminate censure upon those who framed this Act of Uniformity. It is easy enough to judge their conduct by the light we have now to guide us. It is not so easy to put ourselves in their places, and to feel quite certain we should have acted differently. At that time, it is to be recollected, the true principles of religious liberty had scarcely dawned, even upon Protestant communities ; and when we find traces of this intolerant spirit still upon the statute-book, —above all, when we see that this most disastrous enactment still remains unrepealed, we should feel thankful that our lot has been cast in happier times, and should endeavour, as far we can, to undo some of those mischiefs which past legislation has entailed upon us. The effect of the Act of Uniformity was quite as severe upon Puritan ministers as the authors of it could have desired ; but it had another effect, which in their blindness they could

not foresee, and which fearfully verifies the Roman poet’s maxim,—

“ —*Neo lex hic justior ulla est,  
Quam necis artifices arte perire suā.*”

It dealt so deadly a blow to the Church, that for a century and a half her arm was literally palsied, and to this hour she has not recovered from it. The injury inflicted on their nonconforming brethren was a mere nothing to that inflicted on their Church and country. To use the language of Archdeacon Hare—

“ So terribly is the sin of our forefathers, who framed the Act of Uniformity, visited upon England to this day ; nor can any human foresight discern how or when those evils are likely to terminate. From that day we date the origin of that constituted dissent and schism, which is the peculiar opprobrium and calamity of our Church.” And then he concludes with this curious observation—

“ The age which enacted this rigid ecclesiastical uniformity was addicted, as might be imagined, to the practice of uniformizing all things. It tried to uniformize men’s heads by dressing them out in full-bottomed wigs ; it tried to uniformize trees, by cutting them into regular shapes. It could not bear the free growth and luxuriance of nature. Yet even trees, if they have life, disregard their Act of Uniformity, and put forth leaves and branches according to their kinds, so that the shears have constant work to clip their excrescences. None submit quietly except the dead.”

Even the Episcopal Bench was unable to escape from the rage for uniformity thus described by the venerable Archdeacon. Formerly they wore a kind of cap, with which the portraits of Jeremy Taylor and other worthies of that age have made us familiar ; and those who have the misfortune to be as old as myself will recollect that curious headpiece, the episcopal wig, which formerly made it so difficult to distinguish one right rev. Prelate from another, but which the innovations of the present age have so far affected, that, however uniform may be the votes of the Bench this evening, there is no visible uniformity in their heads. It is not very easy to discover what can be said in favour of the continuance of such an enactment at the present day. I have made search in histories, biographies, annals, charges, tracts, to find—I will not say a eulogy, but any vindication of this Act ; but all in vain. Nothing is to be met with but one universal condemnation. In most cases the proponent of a measure, however confident in the superiority of his own arguments, is obliged to arm himself beforehand to meet well-known objections, which may be urged against him ; but here it is next to

impossible to anticipate a reply, whilst the arguments in disparagement of the Act of Uniformity, drawn from all sources—history, philosophy, and the genius of our religion—are so overwhelming, that it is difficult to make a selection. Although the present proposal was made by me on the first night of this Session, I find but one petition against it, whilst there are many in its favour. If I consult the press, I find that the organs of the two great parties in the Church—the *Record* and the *Guardian*—which do not often agree, have both spoken more or less favourably of my proposal. In truth, this matter exactly resembles the case of the passport system, of which, when it was abolished, *The Times* newspaper justly observed—

"That we never know the folly of a bad habit until we get rid of it, and find how easily we can get on without it. It was the peculiarity of the passport system, that whilst it wrought an infinity of mischief, which was never contemplated, it proved utterly useless for the object it was presumed to have in view."

And so with the Act of Uniformity. We know that this test was intended to make a schism in the Church of Christ in this country, and that it was eminently successful. We know that it was intended to drive out of the Church hundreds of men who would have been its pride and ornament; and that it did drive them out. We know, also, by lamentable experience, that it has kept out thousands of pious men of a like stamp ever since. We know that it has created a permanent Nonconformist institution, which is taking gigantic proportions. But where are we to discover any advantages which the Act of Uniformity has conferred upon us? Has it even within our own restricted pale secured unity or orthodoxy, or even uniformity? Has it in any way contributed to the piety, the wisdom, the learning, the usefulness of the clergy, or the extension of our own Church system? I listen in vain for an answer in the affirmative. This, however, we know it has done: It has exposed our clergy to an imputation not only, or chiefly, from Nonconformists, but principally from their own brethren, of making a solemn declaration before God and the congregation in a "non-natural" sense, and with mental reservation; and I must say more—that, in reference to the whole of our subscription, glosses have been put forth, modes of interpretation resorted to, by men of every party in the Church, in

order to justify these subscriptions, which, were they introduced into the transactions of private life, would put an end to all confidence between man and man.

What, then, are the arguments which are to be brought forward to induce your Lordships to reject this Bill? What is it that has inflamed the zeal of my noble Friend the noble Viscount opposite to such a pitch, as to have brought him to the conviction, even before I had opened my mouth in defence of it, that the Bill I propose should be cast out at once? With some industry I have collected that, in the opinion of some persons, the National Church is in such a state of weakness and peril, that these subjects ought not even to be broached at all in Parliament; whilst others, not sharing this opinion, have yet conjured up some phantom of danger likely to happen, should this test, after existing a couple of centuries, be withdrawn. "We would be no parties," they say, "to its enactment; but we dread the effect of abandoning it;" and, lastly, there are some who think that this test is the only security a layman has for the orthodoxy of his minister. I will apply myself to these objections in the order in which I have stated them. First, I am sure that your Lordships will agree with me that our National Church, so far from being in a state of weakness and peril, was never in a greater state of activity and vigour; and that all she wants is to be freed from some of those trammels which alone prevent her being, in reality, what she is in name—the Church of the Nation. Then, as to the danger to be apprehended if we abandon, as an evil practice, this ecclesiastical passport system. What, then, do those fear who cannot bring themselves to get rid of an evil, because of its having been in existence a couple of centuries? for they admit that it is an evil, saying that they would not have consented to it. Are such persons apprehensive that an alteration would let in a flood of heretical teachers—Socinians, Universalists, Essayists, Brownists, and God knows what? I pray them to calm their fears. This Bill in no way alters, nor does it interfere in the smallest degree with, the standards of our Church. Should any minister, after this Bill passes, teach false doctrines, he must be tried by the same rules, and judged by the same tribunals, as before. Besides that, if any one places any confidence in the value of these subscriptions, there are enough left to satisfy the most exacting and timorous

mind. Independent of tests of character and examination at or previous to taking orders, every one before ordination must declare his assent to the Thirty-nine Articles in the terms of the 13th Elizabeth, and must then subscribe to the three articles of the Thirty-sixth Canon : the first of which is the Oath of Supremacy ; the second, an affirmation that the Book of Common Prayer containeth nothing contrary to the Word of God, that it may be lawfully used, and that he will use the same and none other in his public ministrations ; and the third, another subscription to the Thirty-nine Articles. Then, on being admitted to a benefice, he has again to declare his conformity to the Liturgy, and his assent, for the third time, to the Thirty-nine Articles. Surely in all these subscriptions there is sufficient (if such defences are of any real value) to keep out everything except a wolf in sheep's clothing, against which, as Dr. Vaughan truly observes, nothing will avail. And these facts I would also recommend to the third class of objectors—those who are of opinion that without this stringent subscription the laity would not have sufficient security. To these I may further observe, that a great many livings are solely intrusted to curates, and that some remain curates all their lives. No one ever heard that these rev. gentlemen are particularly heterodox, and yet they do not make this declaration at all. Happily, we are not without a very valuable example, which may safely guide us in this matter, and which I hope will entirely allay any alarms which may be felt on the subject. In a Church which received orders from us, which uses our Prayer Book (only sensibly revised, as I had the happiness to think in unison with the most rev. the Primate), which is in full communion with us, and one of whose Bishops is at this moment doing episcopal duty in Paris for the Bishop of London—I refer to the Protestant Episcopal Church of the United States, where no such subscription as that I seek to abolish is to be found. When our North American colonies separated from Great Britain, and their Church had to reconsider its whole position, after very much deliberation and careful consideration they did away with the whole of their former code of subscriptions, and substituted in lieu of them this very simple and sensible form ; it is very like a form proposed by Lord Nottingham and Tillotson at the end of the seventeenth century, which is to be found

in the records of your Lordships' House, but is an improvement even on that—

"I do believe the Holy Scriptures of the Old and New Testament to be the Word of God, and to contain all things necessary to salvation ; and I do sincerely engage to conform to the doctrines and worship of the Protestant Episcopal Church in the United States."

I hope your Lordships will consider that I have established my position, that there is nothing to fear from the abrogation of this test, whilst there is much of good to be hoped for from it ; and that the Church of England is far too strong to fear any such discussions as these.

I am unwilling to trespass on your time unnecessarily ; but, at the same time, I must not leave my case in any part incomplete. Some persons have imagined, doubtless from not having the facts brought specially to their notice, that this test has not been productive of so much evil as has been said. I do not like to trouble the House with too much documentary evidence, but I can assure your Lordships I have in my possession numerous letters from clergymen, giving very touching accounts of their having been compelled to give up their cures, where they were otherwise happy and useful, on account of the stringency of these terms of subscription. They have told me of others who, within their knowledge, have gone through the same ordeal—of many who, on the same account, were compelled to abandon their cherished desire of dedicating themselves to the service of the ministry—of still more, who are Dissenters, who long to join the Establishment, having no essential differences with her. Of such documents I have selected the following, which I thought were worthy of your Lordships' attention :—

#### *Extract of a letter from a Dissenting minister—*

"I am a Dissenting minister, much against my wish. My forefathers were ejected in 1662, and I remain excluded for the same reasons for which they resigned large livings. Formerly I was connected (as I was bred) with the Unitarian body, but was obliged to relinquish the pulpit of one of the old Presbyterian chapels founded by the peers of my forefathers, because I could not preach the peculiar negative doctrines of the sect that has got possession of many of those places. Willingly would I have rejoined the Church to which all my sympathies inclined me, and from which I have no doctrinal difference, but I could not 'assent to all and everything,' as required."

*Extract from a charge of the Venerable Archdeacon of Northampton, delivered May 5th, 1862—*

"What may be the effects of an alteration in the terms of subscription it is not given me to foresee. For myself, I would, not unwillingly, admit any good man into the ministry who would subscribe to the Thirty-nine Articles, and declare that he approved of the Liturgy more than of any other book of public prayers, and that he would consent to use it, and no other, in the public services of the Church. Nor would evil follow in these times, I think, if the declaration we are now required to make, 'I will conform to the Liturgy of the Church of England and Ireland,' were the only one; we should not then have to regret the departure of so many good men from the Church. . . . To this class, that of political Dissenters, the really conscientious Nonconformists do not belong; and of these there is a very considerable body who do not disapprove of the doctrines of our Church, and who have been deterred from joining our communion only by some stringent portions of the Act of Uniformity."

*Extract from speech of Mr. E. Bell, M.P., in the House of Commons, on Mr. Bouverie's Clergy Relief Bill, April 9th, 1862—*

"Though not himself a member of the Established Church, he recognised its great importance, and would be the last man to impair its stability. He hoped that the Select Committee would inquire, not only how clergymen were to be permitted to leave the Church, but how the obstacles which now prevented many valuable young men from entering its service could best be removed. The latter of these questions was much more important than the former. Hundreds, and even thousands, of young men were excluded from the ministry of the Established Church because the oath and the other requirements were so stringent that they could not conscientiously subscribe them."

I have now brought my case to a close. I have endeavoured not to leave out anything essential to it, and at the same time to avoid overlaying it with extraneous matter. I am, however, painfully conscious how imperfect has been the performance of my task. Would that I had the abilities and the influence of many I see before and around me! Then I could not have failed to impress upon the House the immense importance of the decision they are about to arrive at. The vote they are about to give will decide whether your Lordships will promote that best of all things—religious unity, or whether you will continue to foment that worst of all evils, and greatest of hinderances to the spread of the Gospel—religious discord. Whether you will assist in enlarging the bounds, in lengthening the cords, and strengthening the stakes, of our National Church—or, whether you will continue to wall her up within the narrow limits to which, by ill-starred legislation, she has been hitherto confined?

*Lord Ebury*

Will you maintain in all its deformities an Act which has no defender; or will you expunge from your statute-book a provision, the suggestion of intolerance and persecution, and the offspring of the worst period of our Parliamentary history? My voice may fail to persuade your Lordships, but you will not, I hope, turn a deaf ear to one of our greatest philosophers and orators, who, although he has passed away, yet lives and speaks amongst us by the imperishable works of his genius.

"*Et si mihi non datis arma,  
Huic date.*"

It was in the year 1773, that Mr. Burke, speaking on the Dissenters' Relief Bill, made use of the following remarkable language:—

"I would respect all conscience—all conscience that is really such, and which, perhaps, its very tenderness proves to be sincere. I wish to see the established Church of England great and powerful; I wish to see her foundations laid low and deep, that she may crush the giant powers of rebellious darkness. I would have her head raised up to that heaven to which she conducts us; I would have her open wide her hospitable gates by a noble and liberal comprehension; I would have her give a lesson of peace to mankind, that a vexed and wandering generation might be taught to seek for repose and toleration in the maternal bosom of Christianity, and not in the harlot lap of infidelity and indifference. Nothing has driven people more into that house of seduction, than the mutual hatred of Christian congregations. The hon. Gentleman would have us fight this confederacy of the powers of darkness with the single arm of the Church of England,—would have us fight, not only against infidelity, but fight, at the same time, with all other denominations except our own. In the moment we make a front against the common enemy we have to combat with all those who are the natural friends of our cause. Strong as we are, we are not equal to this. The cause of the Church of England is included in that of religion, not that of religion in the Church of England."

With a grateful sense of your Lordships' kindness and patience, I beg now to move the second reading of the Bill.

*Moved, That the Bill be now read 2<sup>a</sup>.*

VISCOUNT DUNGANNON said, he appealed to the House not to agree to the second reading of this Bill on two grounds; first, on account of the encouragement it afforded to latitudinarianism; and secondly, because he was convinced that it would open the way to other and still greater innovations. By the law as it now stood it was required that every clergyman should subscribe to the Articles of the Church, and that he should sign a declaration that he assented to the Form of

**Common Prayer.** Another declaration made by a newly-induced minister was, that he would act in conformity with the rubric in reading the services on Sundays, and on certain other days. Now, it was perfectly possible for a clergyman to act formally in accordance with that pledge without really believing or in his doctrine upholding the Book of Common Prayer. The real question involved in the noble Lord's statement appeared to him to be, Whether any profession of faith on the part of the clergy of the Established Church was necessary or not? That a profession and declaration of faith was considered necessary was evidenced by the history of the early Church, and they also had in the Holy Scriptures the declaration that such a profession was required. With these precedents, it was unnecessary for him to say more on this point. The objection urged against this profession seemed to be this, that it fettered the ministers of the Church, and imposed a chain on Christian labour. But surely it would be admitted that society could not be carried on without certain restrictions being placed upon its members; and how could the Church continue, unless the duties of her ministers and their obligations were defined and limited by some such rules as these? It appeared to him that the question resolved itself into this—was it right, or not right, that the people at large should know in what manner the ministers of religion were restricted in respect of the doctrines which they promulgated? Was it necessary, or not, that the congregations should know that the clergyman had acknowledged his belief in the doctrines which he formally taught? Undoubtedly, if it were supposed that the minister did not believe in the doctrines he taught, and did not in his heart confirm the Prayer Book he read to them, his influence with his congregation would be very greatly diminished. If their Lordships looked at the state of the German Protestant Church, they would find that the latitude allowed in it had given rise to serious and never-ending dissensions. Was this, he would ask, the time when the Church ought to relax in its rules and discipline? For, although he believed that the Church reigned pre-eminent in the affections of the country, there were reasons why they should be careful not to do anything tending to impair its efficiency. Moreover, no one was compelled to enter into holy orders; therefore, when a man did so of

his own free will, there could be no possible hardship in calling upon him to declare his adherence to the doctrines which it was one of the duties of his profession to inculcate. The noble Lord had three times brought the question of a reform in our liturgy before their Lordships, and, on the last occasion, had almost stood alone. Since then the noble Lord had placed two Bills on their Lordships' table, with regard to one of which, he had no hesitation in saying, had it become the law of the land, it would have produced nothing but schism in every parish in the kingdom. For this reason he thought their Lordships were bound to look with great care at the measure which the noble Lord proposed. He could not but hope that their Lordships would reject the Bill. He looked on it as one productive of nothing but evil, and the forerunner of greater and even more dangerous innovations. He felt, as a Churchman, that he was bound to oppose this measure, believing conscientiously that some restriction ought to be put on those who sought to become members of the Established Church as ministers of the Gospel. He could not allow to those gentlemen that latitude which he did not begrudge to the Dissenters; and so long as he was spared, and had a seat in their Lordships' House, he would resist any attempt at innovation on the rules and ordinances of the Church. It was perfectly idle to say, that because the Church was strong in the affections of the people these restrictions should be withdrawn. That the Church was strong was owing to the fact that her bishops and her clergy had done their duty; and it must be remembered that this declaration of faith had been made by the greatest ornaments that ever existed within its pale. But, strong as the Church was in the affections of the people, it had yet insidious enemies within it—witness the *Essays and Reviews*, the publication of which, emanating as they did from ordained ministers of our Church, those moreover intrusted with the education of the youth of the country, afforded no unreasonable ground for alarm; and it was, on that very ground, more incumbent on their Lordships not to admit any innovations which might give an advantage to their attacks. For these reasons he must give his strenuous opposition to the Bill now before the House. He gave the noble Lord credit for the most pure and conscientious intentions, but believed his views on this matter were fear-

fully erroneous and mistaken. If such innovations were to be allowed, there would soon be an end to the Established Church in this country, for how could it flourish without discipline and without government? Such a measure as the present would annihilate Church discipline and Church government; and without them how was it possible that the Established Church could continue to be, as it now was, a visible society? He hoped their Lordships would on this, as they had on other occasions, prove themselves the true guardians of the interests of the Church, and of its liturgy and admirable formulas. He would move, as an Amendment, that the Bill be read a second time that day six months.

*Amendment moved, to leave out "now," and insert "this day six months."*

THE BISHOP OF LONDON said, he ventured to present himself to their Lordships, because in this matter he felt that he, in some respects, differed from many of those with whom on all matters of importance he should desire always to concur. He confessed himself obliged to the noble Lord the proposer of the Bill, not only for the temperate way in which he had introduced it to their Lordships, but for the distinct form in which his propositions were stated. The noble Lord had reduced his attempts on this subject to very simple points; but these points, however small and simple they might appear, were of very great and grave importance. He thought it a very serious thing, to tamper with an Act of Parliament which had existed now for 200 years, notwithstanding the attempts made at different times to subvert it. An attempt of that kind was made only twenty-five years after the time when it was originally adopted; but it passed safely through the epoch of the Great Revolution, when many were desirous to conciliate as much as possible the Protestant Dissenters. He considered, likewise, that it was a very grave matter indeed, when they regarded this Act as not only a time-honoured Act, but as partaking of the character of a charter by which the Church and State were united. Therefore he felt gratitude, he repeated, for the plain and distinct manner in which the proposed alterations had been introduced to their Lordships, and it was with great pain and hesitation that he differed from several of those whom in a matter of this kind he should desire always to follow. So great

was the gravity of the subject that he ventured to urge the noble Lord not to divide the House on the present occasion. The noble Lord had said that no petitions had been presented against his proposal; but that might be accounted for by the fact that it was not known throughout the country, for it was only a week ago that he (the Bishop of London) had been able to obtain a copy of the Bill. Two other Bills, which professed to have a similar object, had been introduced in the course of the Session; but this Bill was of a very different character—it was very important because it had much in it that was good, and at the same time it touched on very delicate ground. He did not think, therefore, that during the week which had elapsed since the Bill was printed the country had had a sufficient opportunity of considering what would be its probable effects. It seemed to him that their Lordships and the country should have more time for consideration before they pledged themselves to a decision on so important a matter. A few petitions had been presented on the other side, but they were from persons with whom the noble Lord co-operated. There was one very important principle which seemed to be embodied in the remarks of the noble Lord—namely, that persons ought not to make solemn declarations which did not perfectly express in their plain and obvious sense the sentiments of those who were called upon to make them. No doubt, when they received old forms of subscription prepared in days of controversy long past, they must take them in their general sense as honest men rather than in their strict grammatical sense; but still they were always glad when there was not a single syllable which did not exactly express the conscientious views of the men who were to be bound by them. Far be it from him to say that there were any clergymen in the Church of England who did not unfeignedly assent to the Book of Common Prayer. He was convinced that those who found a difficulty in signing that declaration would very generally find an equal difficulty in using the prayers which that declaration prescribed. But they were not to judge of men's consciences as if all were alike, and he had no doubt of the truth of what the noble Lord had stated, that there were many excellent men who had been tormented by scruples with regard to the words of the existing declaration—men whom they would desire

to retain in the Church of England, but who, from what appeared to him unnecessary scruples, had felt obliged to withdraw from her communion. He called those scruples unnecessary, because he thought that there was in this matter a fallacy into which the noble Lord and persons who had written on the subject had fallen. They were told that that declaration had been inserted in the Act of Uniformity for the distinct purpose of causing the Puritans to give up their livings ; and no doubt it had that effect. But there was another clause in that Act which grated far more against their consciences—a clause which was removed in 1688—a clause to which he believed not one of their Lordships would have subscribed—that under no pretence whatsoever was it lawful for a Christian man to take up arms in defence of his liberty against the civil power. He believed that when Baxter and others gave up their livings they were influenced to some extent by the clause in question ; but they were influenced to a far greater extent by the latter clause, which acquiesced in would have made all their previous lives a lie. He thought that any man who calmly studied the history of the times would arrive at the conclusion that it was the two clauses united which had driven those men from their livings. It was generally stated that the proposal of the noble Lord would altogether change the subscription made by clergymen at their ordination. But one reason why he was disposed to give his approval to the proposal was that it would do nothing of the kind. He himself for twelve years had had to discharge responsible duties in the University of Oxford, and during that time he had never made this declaration. He believed there were instances of other right rev. Prelates who had never made it. Why, then, was every man instituted into a living called upon to make it ? His approval of the proposal was grounded on this, that it put an end to a partial and foolish arrangement. The fact was, the declaration was not to be made at ordination, nor by persons in the Universities who were intrusted with grave duties ; it was simply to be made by a man when taking possession of a benefice ; and the distinction was probably accounted for by the fact that the persons who framed the Uniformity Act had principally in view to turn obnoxious persons out of their livings. The noble Lord, therefore, would scarcely relieve as many as he expected ; and he either meant a

great deal more than he said, or he wished for something which was scarcely worth taking. There were numerous other declarations, and why should a man who made them hesitate to make this one also ? The Bill of the noble Lord, therefore, was chiefly important as enunciating an important principle—that these declarations should be made as simple and as plain as possible. He had also enunciated the principle that their forms should be divested as speedily as possible of everything which would remind men of departed and painful controversy. Now, it was only two Sessions ago that their Lordships had agreed to expunge certain services which were painful to the feelings, because they reminded men of bitter discussions and controversies long past. It would therefore only be following up the same principle which had induced their Lordships to do away with those services, if they were to agree that this clause, so far as it was a memorial of a departed controversy, should also be abolished. He had heard it said that there was now more difficulty than formerly in inducing young men of talent to enter on holy orders. This was a more thoughtful age than many which had preceded it, and he was glad that young men took more time to consider before they made the declaration required. He should rejoice to simplify the forms of declaration in respect to such men ; but they must not magnify the principle involved. His experience would not lead him to suppose that there was a gradual deterioration in the qualifications of the persons taking orders. His experience was that the young men whom he ordained this year and last year were superior in learning and attainments to those whom he had ordained five years ago. For his own part, he believed there never was a time when the Church of England held a more important place in the estimation of the country. The clergy were zealous in the discharge of their peculiar duties, and he doubted also whether there ever were more men of literary taste and sound thought who sought to enter the ministry than now. He believed that the same complaint was made in other professions. It was said the young men who entered the profession of the law, or gave themselves to political life, were not equal to their predecessors ; and there was a general fear lest if those honoured names which had long been before the country were removed, they would find no worthy successors. He had no such

fears as to the clergy. He did not doubt, that if himself and all his right rev. Brethren were removed to-morrow, there would be no want of properly-qualified men to fill their places. He saw nothing of this gradual deterioration, and he would advise the noble Lord not to lay too much stress on this argument. Whilst, therefore, it was quite right that they should endeavour to conciliate the scruples of young men who were desirous of entering into holy orders, at the same time they ought not to magnify the importance of the change now under consideration. With respect to the effect of removing these declarations on the Dissenters, he believed, that if not only the declarations but also the Liturgy were swept away, a good many Dissenters would be just as far from the Church of England as at present, because they announced that the one vital question was the separation of Church and State; and they would continue to hold aloof from the Church so long as the clergy of the Establishment accepted the hire and pay of the State. It was hopeless, therefore, to suppose that by any concession of the kind now contemplated it would be possible to conciliate these persons. They, however, formed only a small fraction of those who separated from the Church of England, and he was hopeful enough to believe that a day would come when a large portion of those who now dissented from the Church of England would return to it, and be gathered within its pale. He believed, that if the Church acted not hastily, but on mature consideration, it might, without any sacrifice of principle, gradually conciliate many who now kept at a distance from its services. The day might come when that great mistake which sent the whole Wesleyan body adrift from the Church of England might be remedied, and that this body, whose great founder and leader was a minister of the Church, would return to strengthen the hands of the clergy. It might be said that he had spoken on both sides; but, as he had been forced to express his opinion at so short a notice, their Lordships would, he trusted, forgive him for the manner in which he had spoken. With regard to the Bill, he trusted that his noble Friend would wait until the country had had an opportunity of fairly considering this question.

THE BISHOP OF ST. DAVID'S said, that if he could accept what had been said by his right rev. Brother as a full expression of his own sentiments, he should have

abstained from addressing their Lordships on the present occasion. But although he fully agreed that more time ought to be allowed, in order that public attention should be drawn to this subject, still he must own his mind was not in that state of suspense and fluctuation with regard to the merits of the question which appeared to be the case with his right rev. Brother. He therefore asked their Lordships' permission to state how far he was prepared to go along with the noble Lord who brought forward the measure, and at what precise turning-point he felt compelled to part company with him. He would first say that he not only gave the noble Lord the fullest credit for the purity and excellence of his intentions, but that he sympathized with him in the general tenor of his observations. He sincerely deplored, in common with the noble Lord and the majority of the Christian world, the character of the times which gave birth to the Act of Uniformity, and the spirit in which that act was framed. It must not, however, be forgotten that it was enacted at a period of very great excitement and reaction. Still, he would remind their Lordships that it was not the substance of the declaration to which objection was made, but its phraseology and form, which might possibly offend some tender consciences. Undoubtedly, if their Lordships were now for the first time considering the form of declaration, he should oppose the introduction of the declaration now imposed. But this Bill was grounded on a proposition to which he for one could not assent. He was required by the Bill to assert that of the two declarations cited in the present Bill one was sufficient. It would thus be enough if a clergyman, on taking possession of any benefice, promised to conform to the Liturgy of the Church, instead of, as now, being obliged to declare his assent and consent to everything contained in the Prayer Book. This declaration was a quite different one from that required to be made on admission to holy orders; and though, if the declaration had to be prepared over again, he should not frame it in the same way, he could not admit that on such an occasion as a clergyman taking charge of a parish he should not be required to make some profession of his adhesion to the Common Prayer book. If he were not required to make some such declaration, an external and mechanical conformity with the terms of the Liturgy would be all that would be obtained. He could not but think that

the effect would be to give a Parliamentary authority to men conforming to rites and doctrines which did not correspond with their inward convictions. Therefore, however much he might disapprove the terms of the declaration, and might desire to see some modification introduced, he could not assent to the proposition of the noble Lord, which he thought would deal a heavy blow to the Church of England. He concurred in the wish that had been expressed by his right rev. Brother, that the noble Lord would upon this occasion withdraw his Bill ; but in giving utterance to that desire he wished it to be understood that he did so, not because he did not sympathize with the object, but because he believed that the form in which it was proposed to attain it would completely defeat that object.

LORD LYTTELTON said, that while he felt bound to oppose the Bill, he did not wish to be understood as holding that the present declaration might not be modified with advantage to the Church ; for he was inclined to think that it was drawn up in terms somewhat too stringent. He might remark, in reference to that point, that the Royal declaration prefixed to the Articles of Religion in the Prayer Book required that all who accepted that important portion of the book should accept them in their usual and literal sense. But it was a fallacy to suppose that the usual was always the literal sense. No one could be bound to accept in every case the words of the Scriptures in their literal sense. He thought the Clergy ought not to be bound to adhere to the Prayer Book in any such way as to prevent them from considering any amendment in its terms, the substance being adhered to ; and therefore he was willing to consider whether a declaration from the clergy that they adhered to the substance of the Prayer Book would not be sufficient. But there was a wide gulf between those views and the views which had been advocated by the noble Lord who moved the second reading. The noble Lord proposed, not a revision of the Act of Uniformity, but the abolition of all securities to congregations that their clergy adhered to the Prayer Book. It might be said that a clergyman conforming outwardly to the Prayer Book might be assumed to agree with it in substance ; but such a matter was not to be dealt with in the abstract, but according to the light of experience. Some years ago a reverend gentleman claimed the right of remaining a minister of the Church of

England while he held all Roman doctrine ; and there were other similar cases in that and in the opposite direction. It was true these cases were exceptional ; but if all securities were abolished, they might cease to be exceptional. He also deprecated the initiation by Parliament of measures directly or indirectly affecting the doctrines of the Church of England, and he thought that the present measure did indirectly affect those doctrines. The Church had never been looked upon as liable to be dealt with by the civil Legislature without any voice on the part of the Church itself. In former times the voice of the clergy was heard in Convocation, and the voice of the laity in Parliament ; but Parliament could not be said now in any sense to represent the laity of the Church of England. He did not mean to say that Convocation was a satisfactory representation ; but such as it was, it was the only representative, not only of the clergy, but of the Church. He did not desire to give that body greater executive power ; but he thought that before any measure affecting the doctrines of the Church of England was proposed, it ought to be referred by the Crown to Convocation for their opinion, which opinion must necessarily carry much weight in the ultimate decision of Parliament.

THE EARL OF SHAFESBURY said, he should deeply regret if this Motion were pressed to a division, because he knew the extreme delicacy and difficulty of this subject, and how little the clergy and the public were yet prepared for its decision. At the same time, it was impossible to have mixed much with the clerical, and what was called the religious world, without seeing that principles and feelings were now at work which threatened, sooner or later, to issue in something very serious to the Church of England. It was perfectly true that for a very long time past there never was a period when that Church stood so well as it did now with the country, or in which it showed itself so active or was so safe. Nevertheless, there were springing up around her dangers of great intensity and force, and which were pushed forward by persons of great zeal and intelligence. One of the greatest of those dangers, in his mind, was the demand for what was known by the name of liturgical revision ; and unless something analogous to this proposal—he would not say precisely this Bill—were adopted to satisfy tender consciences, he was con-

vinced that the integrity of the Church would be very much compromised. It was very desirable that the attention of the clergy and the country at large should be directed to this subject, and he felt satisfied that in no long space of time the great body of the clergy and a considerable proportion of the Episcopal Bench would acquiesce in some measure of this kind for affording relief to tender consciences. No doubt, the young men who now offered themselves for ordination were well qualified for the office they sought ; but it should be remembered that those who had scruples against subscription did not offer themselves at all for ordination. Hundreds—he might say thousands—of young men, who would make highly competent ministers of the Church, never presented themselves to the Bishop, because they knew that they would sooner or latter be compelled to take this subscription, and it was an undoubted fact that a vast number of them went over to the various Dissenting denominations. He was not at all anxious to bring into the Church of England the great body of Nonconformists. He knew the good that those bodies were doing in their respective spheres, and he had no wish to disturb or interfere with them in the good they were working out ; but he was very desirous to secure for the service of the Church those hundreds of energetic, pious, and zealous young men who were now deterred by the stringency of the present terms of subscription from presenting themselves for ordination. He trusted the noble Lord would not press the Bill at that time, but that further time would be given for the consideration of so important a subject.

EARL RUSSELL said, he could not allow this discussion to close without expressing to his noble Friend, who had had to encounter many objections, his belief that he had rendered a public service by calling the attention of their Lordships and of the country to this important subject, because the question was really one of growing and pressing importance. He might be mistaken in his view of the present times ; but, as it appeared to him, these were times remarkable for individual learning, individual inquiry, and for individual and independent judgment. It was not so in the century when this test was created. That was a period when, on the one side, many men were banded together in order to obtain the emoluments and rewards of the Established Church, and

when, on the other, a number of men banded themselves together resolutely to encounter suffering and even persecution rather than subscribe to religious doctrines to which they could not conscientiously assent. We were now, however, happily living at a totally different epoch. No one was now subjected to any privation or hardship on account of his religious faith ; while, at the same time, men were not ready to give up their conscientious belief for any advantages which they might obtain by joining a Church to which they did not in their hearts adhere. But, if that were so, certain inconveniences must arise from such a state of things. They had the testimony of his right rev. Friend (the Bishop of London) to the fact that there were many men sincerely attached to the Established Church who suffered great distress of mind from being unable to reconcile their consciences fully to the declarations which his noble Friend proposed to modify. That of itself was a very considerable evil. Having a national Church and wishing to support it, it was a misfortune if many men, from the number or the ambiguity of those declarations, should feel pained in their consciences. But there was another very important matter to which his noble Friend who spoke last (the Earl of Shaftesbury) had called attention. The Church was not threatened externally. Nothing proved that more than the little progress made by those who advocated the separation of the Church from the State. They were a small minority ; their views might, indeed, be maintained by men of talent and energy, but the great majority of the country was opposed to them. But there was an internal and perhaps a growing danger, such as his noble Friend had pointed out, arising from the independence of mind and the spirit of inquiry to which he had referred. There were many young men of Christian piety, of Christian zeal, and of talents which, if devoted to the Church of England, might produce works of learning and earnest exhortation to the people, and which would strengthen the Church in the affections of the country. But these persons had certain scruples which prevented their joining the Established Church as clergymen, though they might still, perhaps, be ready to conform to her ordinances. It was, he thought, a great disadvantage, not to the Church alone, but to the Church and the State together, that the former should be deprived of the ser-

vices of men who might be among her brightest ornaments. These were considerations, then, worthy of their Lordships' attention, and worthy of the attention of the Church itself—although he quite agreed that it was not at all desirable that they should now come to a decision on that question. There was one point which lay at the bottom of the subject, in respect to which their Lordships had given opinions much differing from each other. Indeed, the noble Lord who proposed the rejection of this Bill (Viscount Dungannon) had himself expressed in the course of his speech two entirely discrepant views upon it; because he stated, first, that the measure would leave no standard whatever in the Church, but would give the clergy complete freedom and latitude of opinion, without any test to mark them off from any species of dissent; while he further expressed quite a contradictory view in replying to an argument of his noble Friend. There was much force in what the right rev. Prelate (the Bishop of London) had said as to their not being able to see what would be the effect of the Bill upon the declaration made by the clergy at their ordination. That was a point which required grave consideration before any satisfactory decision could be come to on a matter of that kind; but if the grievances to which he had adverted existed, the question was one which must excite further discussion, not only among the clergy, but in the Universities and all the other places where men took an interest in the well-being of the Church. To that future discussion he thought the question ought for the present to be left, and he trusted that his noble Friend would not now press his Motion. The subject was one of growing importance, and it was desirable that the House should not be divided at once into two opposite parties upon it; but that, if the question were hereafter to be revived, it should come before them in a shape that might facilitate a settlement conducive to the advantage of the Church, and which should not afford an unseemly triumph to her enemies.

THE BISHOP OF OXFORD said, their Lordships were much indebted to the noble Earl who had just sat down for having brought this matter to the real point on which, whenever they should be called upon to decide such a question, they must deal with it. The noble Earl had observed that in the present state of men's minds there

was great readiness for each man to assert his own particular opinion, and for all to reject the authority of others. He pointed to the difficulties which such a state of things must necessarily cause for maintaining any Church which should be the Church of the nation, requiring its ministers to make any declaration of faith whatever. He begged their Lordships to look that matter in the face. The arguments of his noble Friend who introduced the Bill seemed to him entirely wide of his proposition, for this reason—they went against all subscription, while his Bill went to that most minute, perplexing, insignificant, useless, and therefore mischievous relaxation of one particular subscription to which he was opposed. The noble Lord was quite wrong in his facts. He supposed that it was only every beneficed clergyman who had to take this test; but the 31st canon said “none licensed to read, preach, lecture, or catechize, shall be admitted to do so unless he first consent and subscribe to the three articles in the 36th canon,” which stated that the Book of Common Prayer contained in it nothing contrary to the word of God. By what possible ingenuity could it be said that a person called on to make the declaration that he assented to the whole Book of Common Prayer as containing nothing contrary to the word of God, was to get a great relief to his agitated conscience by saying he assented and consented to what he really meant? It came to this, that for the sake of including all who were willing to serve in a national establishment they should allow men to believe anything they liked, provided they consented to the noble Lord's formula. The noble Lord promised the effect of such a system would be harmony; but there was something better than harmony, and that was truth—truth objective in what we hold—truth subjective in what we believe as we teach it—and the whole tenour of what the noble Lord said was, that provided men were willing to use the appointed service, they might attach any meaning they liked to the words they subscribed. For his own part, he believed that no injury could be more deadly to the Church than that such a practice should gain currency, and that the people should believe this to be the meaning of the language used by the clergy. He believed the great power and prosperity of the Church was, under God's blessing, owing to this—that her ministers had laboured diligently, held the truth sternly, and

taught what they believed distinctly. The noble Earl (Earl Russell) had done great service by bringing them face to face with the difficulties of the question. The question before them was this—Did they mean, in a day which, as he thought, the noble Earl had rightly described as one of unexampled boldness, not to say audacity, of individual belief, to withdraw all declarations on the part of those who were to be the teachers of the people that they held any amount of truth whatever? The question came to this—Was there such a thing as truth? Was truth that which every man thought, or was it that which the Word of God taught, and that which the Reformed Church of England held? If there were such a thing as truth, then he said it would be a most dangerous thing to teach a number of young men in training for the ministry that provided they consented to use certain formularies no one cared what sense they attached to them. He was astonished at the exaggerated statements which had been made of hundreds and thousands of young men who became Dissenting ministers rather than remain in the Church, because some day or other they might have to make the dreadful declaration that they believed what they said. The men at the Universities did not fall off under the unaccountable dread of this declaration. So far from it, during the seventeen years he had been connected with the great University of Oxford, having had hundreds of conscientious young men coming to him perpetually for assistance in the resolution of their doubts, he could say he had never found one who, in the midst of his scruples, grappled about this; and when, on a recent occasion, a number of the Prelates in town met together for the purpose of considering the noble Lord's proposal, he took the liberty of asking them whether, in their varied experience, they ever found such a case. The answer of every Bishop was that he knew of none. He ventured, therefore, to think that this was one of those chimerical creations of "men in buckram," who were always ready to be called on the stage to represent a mighty army by flitting to and fro across the vision, but who, if they could really be seen at once, would turn out to be a very paltry assortment of country actors. He would frankly confess that he could not agree in the compliments which had been paid to his noble Friend for introducing this subject. If his noble Friend had been driven by a

very strong sense of conscience to propound to their Lordships, gravely and deliberately, some conclusion which he had come to after full inquiry, and was determined, even at any risk, to let their Lordships decide, he should not blame him for the course he had taken; but he thought his noble Friend was only trifling with a very great subject in laying on the table two Bills, one so extravagantly ridiculous that it was thought by most people to be a practical joke, and which he withdrew without daring to ask for it a second reading; and the other, having minimized the alterations he proposed, being now brought forward, he did not dare to take a division on it. To thus stir the entire minds of the people and Church of England, to call on their Lordships to alter the whole standing-place of the ministry of that Church, and having made his speech, and introduced those fabulous numbers of men under the deep conflict of conscience, to set them free from all discomfort by such a declaration as he had proposed, he did say was trifling. Nothing was more calculated to do harm than stirring such questions, unless with the resolute determination on conscientious grounds to go through with them to the very utmost, till they were brought to a final settlement. He believed their Lordships were not prepared to give up the principle of subscription; and unless they were so prepared, they could not entertain such a measure as this. What was wanted was that they should have the guarantee which honest men would consider binding on them—not that they would not hereafter alter their opinions—that was not the meaning of subscription—no man ever said he would not alter his opinion on any point; but what he said was, he now held certain definite and intelligible views of the truth, which he proposed to teach, that he took his teacher's office on condition of teaching them, and as an honest man, if he changed those views, he was prepared to lay down the office which he held on the condition of maintaining them.

LORD EBURY briefly replied. He regretted the speech which had just been addressed to their Lordships; for the right rev. Prelate had indulged in ridicule and sarcasm rather than in argument, and had misrepresented the nature and object of the present Bill. His only motive in introducing the measure was to promote Christian union and harmony, but after

what had passed he would not ask their Lordships to divide.

THE BISHOP OF SALISBURY said, he believed it was not desirable to make any change, unless it was made for some really great object, and he did not think that such an object could be gained by the adoption of this measure. He felt persuaded that no real relief could be given to tender consciences by any other means than by the abolition of all subscriptions.

VISCOUNT DUNGANON said, that as the Bill was withdrawn, he should not, of course, press his Amendment.

*Amendment and Original Motion (by leave of the House) withdrawn.*

Then the said Bill, on Motion, was (by leave of the House) withdrawn.

House adjourned at Eight o'clock,  
to Friday next, Ten o'clock.

intelligible. The question was, whether the Chief Secretary for Ireland is prepared to give effect to the recommendation in that part of the Report of the Commissioners, appointed in the year 1853 to inquire into the management and government of the College of Maynooth, "that a Calendar be annually published by the College, stating the names of the several Students who have left the College after the completion of the course, and their respective destinations; its alumni at the time alive, and the places in which they are severally performing their functions." He might state that an order was made by that House recently for a Return which the authorities at Maynooth could not comply with, in consequence of no record being kept. The Commissioners appointed in 1853 suggested that a record should be kept and annually published, stating the names of the several Students who had left the College after the completion of the course, and their respective destinations.

SIR ROBERT PEEL replied, that he was not able to say at once whether he was prepared to give effect to the recommendation of the Commissioners; but as regarded the Calendar, he saw no reason why there should not be a Calendar annually published of Maynooth, in the same way as there was of Oxford and Cambridge and other Universities,

### HOUSE OF COMMONS, Tuesday, May 27, 1862.

Motions.—PUBLIC BILL.—1<sup>o</sup> Roman Catholic Prisoners.

MAYNOOTH COLLEGE.  
RETURN MOVED FOR.

MR. WHALLEY said, he rose to move for a Return of the names, ages, and number of Students attending the College of Maynooth on the 31st day of August, 1844 (being the end of the academical year); the names and number who have entered each year from that time till the 31st day of August, 1861, with the age of each Student at entering; the names and number who have left college during that period who have not completed their course of education, with the date and cause of leaving, and the classes which they have respectively attended.

MR. MONSELL said, he begged leave to object to the latter part of the Motion.

MR. WHALLEY said, he had not anticipated that the right hon. Gentleman would have made any objection to the Return being granted, and was about to enter further into the question, when—

MR. SPEAKER informed the hon. Gentleman that it was not open to him to give any further explanations then.

MR. WHALLEY said, he had desired to make an explanation in order to make the question which he was about to ask

### DEANERY OF ADFORT AND CHANCELLORSHIP OF LISMORE.—QUESTION,

COLONEL FRENCH said, he wished to ask the Chief Secretary for Ireland, By what authority the Lord Lieutenant of Ireland, having regard to the views of the Ecclesiastical Commissioners and the provisions of the 116th section of the Act of the 3 & 4 Will. IV., c. 37, appointed to the Deanery of Adfort and the Chancellorship of the Cathedral of Lismore, both being without cure of souls.

SIR ROBERT PEEL said, he understood that the Statute to which the hon. and gallant Gentleman referred did not apply to these two cases, and that the Statute applied to cases of benefices where Divine service had not been celebrated since 1833. The Chancellorship of Lismore Cathedral had not been filled up; but he was informed that the tithes and glebes attached to it had been annexed to the funds of the perpetual curacy of the parish. With respect to the Deanery of Adfort,

the Lord Lieutenant had filled up the appointment with the assent of the persons immediately interested, including the Bishop.

PATENTS FOR INVENTIONS.  
COMMISSION MOVED FOR.

SIR HUGH CAIRNS said, he rose to move for an Address to the Crown, praying for the appointment of a Commission to inquire into the working of the Law relating to Patents for Inventions. The difference of the views taken of the Patent Laws, when regarded from the side of patentees, or from that of manufacturers and the public generally, was very great, but in either view the state of those laws was important. At that moment, on the best calculations that could be made, there were about 14,000 patents in existence. Every one of these patents represented an outlay of a considerable amount of money and time. The property these patents represented, therefore, could not be otherwise than very large. In addition to that, looking at the question from the point of view taken by the manufacturers and the country, it should be remembered that every patent granted, or that might be granted, was in substance a curtailment, to a certain extent, of the wide domain which might otherwise be occupied by the manufacturers generally; and it could not but be the interest of the manufacturers to see that there was no such curtailment, or that their proper province should not be invaded without some consideration and proper safeguards. He could not help thinking that the present was a convenient, opportune time for considering the question. It was rather more than ten years since, during the preparations for the Exhibition of 1851, that there was a considerable agitation in the country in reference to the state of the Patent Law then existing. Some persons who took an interest in the promotion of the Exhibition of 1851 also took a great and lively interest in the state of the Patent Law. After consideration before Committees of that and the other House of Parliament, an Act was passed in 1852, which had since regulated the grants of patents for inventions in this country. Another Exhibition of Arts and Manufactures as great, or at all events more extensive than the first, was then in existence; and it had so happened there had sprung up in the country a loud demand for a reconsideration of

the law that had prevailed from 1852 to that time. But he ought to take notice that after he had put his Motion on the paper the hon. Member for Stoke-upon-Trent (Mr. Ricardo), who was unfortunately not present, gave notice of a Motion, not for a Commission, but a Committee of that House, to consider, not the working of the Patent Law, but the policy of the law itself. For that reason he wished to state briefly the advantages he thought a Commission would have over a Committee of the House of Commons. It was obvious that a Committee of the House must be confined as to its composition to those who had the honour of seats in it. There might be, and there were, a number of Members of the House very competent to investigate a question of the kind, some of whom it would be desirable to have in any body that might enter into the inquiry; but it was clear that a Commission would act at any period of the year, and probably at a time when the pressure of public business would be much less than at that moment; in that respect a Commission would have an advantage over a Committee of the House. The Motion proposed by the hon. Member for Stoke-upon-Trent referred to the policy of the Patent Laws; the Motion he himself proposed to submit was somewhat different. He proposed to ask for an address for the appointment of a Commission to inquire, not into the policy, but into the working of those laws. The reason he would explain in a few words. He did not mean to say that the policy of the Patent Laws, which he understood to mean the policy of having any patents for inventions at all, was not a very arguable question and one worthy of consideration. It seemed to him that a good deal might be said on both sides of the question, both in favour of maintaining the system of giving patents for inventions and in favour of the contrary position. That was a question, however, which, if it were raised at all, was a fair one for discussion in the House of Commons. It did not require an elaborate investigation by a Commission. If any one wished to raise that question, there were ample materials for the discussion. At the same time, he did not wish to abstain from stating his own opinion with regard to the policy of having patents for inventions. Some persons held that there was a sort of abstract right by which any one who had arrived at an invention should have a property in that invention secured to him as a matter of right.

*Sir Robert Peel*

It had always appeared to him to be a doctrine which could not for a moment be supported, and it was quite inconsistent with fixing any limit to the operation of letters patent. He regarded it as a question of expediency. There could be no doubt that it was the interest of the State to encourage inventions, as far as they could be encouraged legitimately. There could be no doubt that it was the interest of the State to encourage the outlay of money for the promotion and discovery of inventions, and to discourage the concealment of inventions. The question was as to the price which it was worth while to give to arrive at those results. At that stage of the argument it was impossible to shrink from the conclusion at which all writers on political economy had arrived—that there was no mode by which the reward for inventors was so completely self-adjusting in its nature as granting privileges analogous to letters patent, whereby the inventor was rewarded by the increased price which was put upon the article manufactured. On the one hand, if the invention were worthless, he would not get the price, and no one would be injured; and, on the other hand, if the invention were valuable, he would reap the fruits of his invention, and exactly in proportion to the demand which existed for the invention which he had made. But although he thought the arguments for a reward for inventions preponderated over the arguments against it, he submitted that in appointing a Commission it would be inconvenient to invite attention to the question of the propriety of granting letters patent at all, as the inevitable consequence would be a division of opinion among the Commissioners upon that higher and broader question; and, instead of applying their minds to the improvement of the existing system, they would enter upon a series of *duella* as to whether the whole system should be abolished or not. After balancing the arguments, therefore, he had arrived at the conclusion, which he hoped the House would approve, that it was most advisable to address the Crown for a Commission to inquire, not into the policy, but into the working of the law with regard to letters patent for inventions. It would greatly facilitate his object in bringing forward the particular points in which the law, in his opinion, required amendment, if the House would allow him to direct attention to the important changes which took place in 1852. There were three

matters in which the Act of 1852 completely altered the system of patents in this country. In the first place, before 1852 there were no means by which a person who supposed that he had arrived at an invention could obtain temporary protection during the time that he was endeavouring to perfect it by experiments; and while making experiments there was the danger of their amounting to publication and preventing his obtaining any patent at all. In 1852 the Legislature provided, that upon an inventor lodging a description of his invention, he should have provisional protection for six months; and it was universally admitted that it was a wise and beneficial alteration. The second change was in reference to the publication of specifications. Up to 1852 the specifications were kept in writing in certain very obscure offices in London, and were virtually inaccessible to the manufactures of the kingdom. The Act of 1852 provided that all specifications should be printed and sold at a moderate price—not only new specifications, but the specifications of patents from the earliest period when they were granted; and it might be interesting to the House to know, that although only ten years had elapsed, the specifications of all the patents granted since 1611 had been printed, were to be found in the public libraries, and might be bought for a very insignificant price. The third alteration was, perhaps, of very much greater utility than the other two. Up to 1852 there was no possibility of obtaining one patent for the three parts of the kingdom. A patent for England could not be obtained until it had passed through seven different offices, fees and expenses being charged in each, and then the inventor had to get another patent for Scotland and another for Ireland. The expenses, exclusive of the fees of patent agents, amounted to £350. Inventors were now able to take out letters patent for all parts of the kingdom at once, at one office in London, and they had only to pay one patent agent. A mode of payment entirely novel was originated in 1852, and it had proved acceptable to inventors, and extremely useful. An inventor coming for a patent paid £5 on lodging the provisional specification, and he paid nothing more for six months. At the end of six months, if he wished to obtain a grant, he paid a sum of £20, and he paid nothing more for three years. During the three years he was able to consider whether the patent was worth any

further outlay; and if so, a payment of £50 carried him on for seven years. During the seven years, he had the opportunity of considering again whether the patent was worth any further outlay; and if at the end of that time he wished to be further protected for fourteen years, he had to make a final payment of £100. The total payment was therefore £175, and it was paid by instalments, hardly irksome in any degree to the patentee, and increasing only in proportion as the profits of the invention might be supposed to increase. In asking attention to the imperfection of the patent laws, he felt bound to give full credit to those wise and beneficial changes which were made in 1852, and he was anxious to say, that as far as he could judge from the statements of those who had occupied themselves with the question, the changes made in 1852, although they might not have made the system by any means perfect, were as beneficial and as useful changes as were ever accomplished by any one piece of legislation. He would next inquire, what had been the consequence of that change of the law in the increase of the number of the patents? Going back to 1833, twenty years before the Act was passed, the number of patents was 108. In 1851, the year before the alteration of the law, the number of patents was 455. In 1852-53, after the new Act came into operation, the number of provisional protections for inventions was 3,260, out of which 2,050 patents were actually sealed. Not only was there a sudden and instantaneous increase at that time, but down to the present moment, in round numbers, 3,000 provisional protections were taken out every year, and 2,000 patents were sealed. In 1860 the number of provisional protections was 3,196, and the number of sealed patents 2,060. It would be instructive to notice the subsequent history of the inventions after provisional protection. In the interval of six months between the granting of the provisional protection and the sealing of the patent, about a third of the applications dropped off, because the parties, upon consideration, finding their inventions not to be worth the further expense necessary to procure the sealed patents, declined to persevere in their resolutions to obtain them. Of the remainder, two-thirds were abandoned at the end of the third year, which he might term the next turnpike gate, and nine-tenths of the rest disappeared before the seventh year came round. In that way,

therefore, 2,000 patents were reduced to 200. Hence the provision of the Act of 1852, in regard to different instalments of payment, had worked satisfactorily, and had produced a wholesome effect in getting rid of a number of patents, which the experience of a few years proved to be of a worthless or trivial character. What, then, were the evils which were made the subjects of complaint, and in regard to which he ventured to ask the House for a Commission? The objections against the system proceeded from different quarters, and were not altogether consistent. They might be classed under three heads. In the first place, it was alleged that the facilities for taking out patents, created by the Act of 1852, had led to a multiplication of worthless and trivial patents, which were looked upon as a source of evil by the general body of manufacturers in the kingdom. The second objection was this, that even after all the reductions of expense effected by the Act of 1852, the cost of the patent was still too high, and that, in point of fact, there was every year a large surplus arising from the fees paid in respect of patents, over and above the cost and expense of the office by which those patents were granted. The third and most serious objection was, that the mode by which patent causes, or causes for the infringement of letters patent were tried, was not merely expensive, but unsatisfactory, by reason of the want of experience of the tribunal which disposed of them. He could not agree with the second objection, but he thought there was something in the first and third allegations. The multiplicity of patents had been exaggerated. He had inquired into the number of patents granted in France and in the United States, the countries in which the greatest number of inventions was patented. In France, where the expense of each patent was only £4, between 4,000 and 5,000 were taken out every year; and in the United States, where the expense was £7, the number was upwards of £5,000 annually. Judging from the number of patents in this country, it could not, therefore, be said that there was an undue expansion of the system; but, at the same time, there could be no question that a multiplicity of patents was a great evil. What was the cause of the multiplication of worthless patents? It would be found to spring from three sources. In the first place, no doubt a great many patents utterly useless

were taken out by supposed inventors—workmen, perhaps, who, from the limited sphere of their observation, assumed that they had made discoveries which would probably make their fortunes, when it ultimately turned out that they had been long before anticipated by others, and therefore there was no novelty in these inventions. Another cause was, that many persons applied for patents purely for advertising purposes, in the hope of selling their wares to more advantage, from being able to make use of the word patent in their advertisements, and with no intention of enforcing their claims to monopoly. That, perhaps, did not do much harm, as the public must by that time be sufficiently on their guard against the practice, and as the patentees did not seek to carry their title into effect. The third cause of useless patents was more serious. It was alleged that certain traders, who were the original proprietors of one or two valuable inventions, took out new patents for small improvements and combinations thereon, or bought up all the patents of a similar character they could procure. Thus, they created a sort of network of patent rights to entrap the unwary and to frighten off rivals in trade. He could not say whether that allegation was true or not; but it was a subject that called for investigation; and if the allegation proved to be well founded, the practice was calculated to be seriously detrimental to the manufacturing community at large, and required some steps to be taken for its prevention and cure. At present the only investigation which alleged inventors underwent before patents were granted, was conducted by the law officers of the Crown. Of course, those officers could not examine into the novelty or usefulness of the invention; all that they could do—and that was often a task of some difficulty—was to see that the alleged inventor described in a clear and intelligible manner what he claimed as his invention, so that he might not afterwards add to or take from it. It was by no means uncommon for the law officers to send a description back twice or three times, in order that it might be made sufficiently particular. By some persons it was said that there ought, before a patent was granted, to be some preliminary inquiry of the nature of a public and judicial investigation into the novelty and usefulness of the invention. That was a very plausible demand on the part of the pub-

lic, and would be a proper subject for a Commission to inquire into if one were appointed; but, in the mean time, he might be allowed to suggest one or two reasons for doubting the efficiency of such an investigation. Such a system had been tried in the United States; but the late Patent Commissioners of that country had reported strongly against it. So far, then, as example went, there was not much encouragement to try the experiment in this country. But there was another danger by which it would be attended. A preliminary investigation, let it be observed, must be into either the usefulness or the novelty of the invention. The object of the existing preliminary protection for six months was to enable the inventor to test the usefulness of his invention in the only way in which he could test it, before he completed his patent. If the preliminary investigation was held before this protection was granted, they would be trying the question of utility before the inventor had had the opportunity of trying the experiments by which alone the utility of his invention would be decided. It should be borne in mind that some of the greatest men, and those most conversant with science and manufactures, had been the greatest sceptics with regard to the utility of some of the greatest inventions of which they had had the benefit. Sir Humphrey Davy, for example, did not believe in the possibility of lighting houses with gas, and, had he been acting as a judge, would have condemned that invention as useless. Then, as to the novelty of the invention. Of course, if the investigation was to be anything more than a mockery, there must be ample advertisement of the nature of the alleged invention, and time and opportunity must be given for obtaining from all parts of the country objections on the grounds of its want of novelty. It was very easy to say "Get objections;" but the fact was that you could not induce objectors to come forward unless some proceedings were adopted against them for alleged infringements of a patent. For those reasons he thought that it was by no means so clear as it was in some quarters assumed to be that a preliminary investigation would be useful, and would put an end to all undue multiplication of patents. His own opinion was that they were compelled to allow every one to take out letters patent at his own peril, and that what was really wanted was not a preliminary

investigation, but some short, simple, and inexpensive mode of recalling or revoking patents which had been improperly granted. At present the only way in which such a patent could be revoked was by means of a *scire facias*, a process which was very expensive, and one result of which always was that the person who set it in motion had to pay his own costs. If there was some simple process, such as a rule to show cause or something of that sort, by which a person might be called upon to justify his patent with regard to the utility or novelty of the invention, he believed that the air might be cleared and the manufacturing public would be at a small expense disengaged of worthless and trivial patents. Then came the question as to the cost of patents. Upon that part of the subject it was important to attend to the distinction between the charge for the patent and the appropriation of that charge. He did not think that it could be said that the actual charge, £5 in the first instance and £20 at the end of six months, was too high. Some persons, no doubt, thought that it was unjust to tax the inventor, and that the Government had no right to take from him any more than the sum actually required to cover the expense of the patent. He took issue with that doctrine. It seemed to him that, as the question was entirely one of expediency, the point to be arrived at was to ascertain what sum would, on the one hand, be sufficient to deter persons from making idle and useless applications for patents, and, on the other, would not prevent any real and *bonâ fide* inventor from obtaining the grant of letters patent for his invention. There might be a difference of opinion as to whether the best amount was fixed in 1852, but he did not think that any case had been made out for the reduction of the sum then charged for patents. There was a much more important point on which inquiry was also necessary—namely, with regard to the disposal of the very large surplus arising yearly from these letters patents, after all the expenses connected with the grants had been provided for. At present these sums, amounting to some £25,000 yearly, were paid into the Consolidated Fund, and became available as part of the general taxation of the country, but it might fairly be inquired whether that was a proper application of the surplus. He could not help thinking that the inventors and manufacturers,

from whom the money was derived, had a very strong case for saying that the surplus ought to be appropriated to purposes akin to those which led to the money being paid. The existing Patent Office was in many respects the worst and most inconvenient that could be conceived; there was no library where inventors might find means of consulting former specifications, or of studying the records of inventions in other countries. Above all, there was no museum connected with inventions, though it was very well known, that from time to time there had been almost pressed upon the Patent Commissioners large and valuable models which would be of the greatest value to persons studying the nature of inventions, if they were properly set up and arranged. These were all points to which inventors and manufacturers might fairly hold that the surplus funds which they contributed might more fairly be applied than to the general taxation of the country. Then it was said that the present mode of trying causes for infringing letters patent was very expensive and very unsatisfactory. And he thought the House would be startled with one or two instances of that litigation. There was a case very well known in Sheffield, in which a patent had been taken out by an eminent manufacturer named Heath. It effected a revolution in the manufacture of steel by the introduction of a chemical substance, and enabling steel to be produced at a reduction of 30 or 40 per cent on the previous cost. Mr. Heath, from the time he obtained the patent in 1842, till he died in 1853, spent his life in litigation. The suit was formally carried to the House of Lords; and he had obtained a statement which showed that the costs of the defendant were estimated at £7,000, and those of Mr. Heath at £8,000, showing that the two sides had expended in litigation connected with a single patent the sum of £15,000. It might be said that that case was prior in date to the year 1852; but he had got a later instance. A patent was taken out in 1850 or 1852 by a Scotch gentleman, named Mensies, for capsules and tops of bottles. The invention was no doubt a very valuable one, and litigation in connection with it was carried on both in Chancery and the Courts of Common Law. The question had been lately argued before the House of Lords; he believed judgment had not been given, but the solicitor to the plaintiff informed him that the

costs of his client amounted to £14,487, and he estimated those of the defendant at £10,370. So that the total cost of legal proceedings in connection with this invention amounted to no less than £24,857. These cases went to prove that the present tribunal for the trial of patent cases was at all events not a very cheap one. He did not think, however, that any complaints could justly be made against the head of that tribunal; neither did he hold with some that a judge ought to be appointed exclusively for the trial of patent cases, because he believed he would often have very little to do. The question of jurors was a much more serious one. He did not know whether hon. Gentlemen had seen the account, in the ordinary sources of information, of a trial, which took place the other day, with regard to one of the electric telegraph patents, in which, after the case had lasted two or three days, and a great number of experts had been examined on either side, the jury took up their hats, and said they must decline to go any further, as they could not understand the proceedings. He believed jurors might have done the same in many other cases, when, from want of acquaintance with the subject-matter, they were necessarily at the mercy, he would not say of the counsel, but of the experts examined, being unable to exercise any judgment of their own upon the evidence. As a remedy for that state of things, he had heard it proposed to have in place of the ordinary jury one composed of experts—that was to say, of persons engaged in the particular trade or manufacture to which the patent related. But it would probably be found that in many cases a jury such as this would be the very last tribunal to be desired; because it would be composed either of the rivals in trade of the patentee, or else of persons who would be biased by the effect which the patent was likely to exercise in connection with their trade or manufacture. A proposition of a different character had been made, which seemed to him much more worthy of attention. The House was aware that in Admiralty cases, when a question of a technical character arose, the judge habitually associated with himself, as assessors, some of the elder Trinity Brethren, who possessed great experience in the technicalities which arose in cases of collision and other maritime questions. It had been suggested that in place either of an ordinary or scientific jury, it might be desirable to have

sitting with the judge by way of assessors, in patent cases, three or four persons of general scientific attainments removed altogether from the details of trade and the prejudices likely to arise in connection with it, but still with minds so trained and adapted that they could readily be applied to any branch of science, arts, or manufactures. With such assistance, aided by his own knowledge of law and of the rules of evidence, the judge, it was thought, might be able to conduct an action of the sort in a manner satisfactory both to the patentees and the public. He did not offer any opinion of his own with regard to that proposal beyond saying that between these conflicting suggestions it was very desirable that a body of men should examine the question of patents and manufactures generally for the purpose of determining which was likely to prove the most satisfactorily-constituted tribunal. Out of doors there was a very strong demand for inquiry into the working of the patent system. He hoped the House would be disposed to accept the Motion which he had laid before them. If they did so, and the Commission which he trusted would be appointed was able to see its way, he felt satisfied that by the legislation which Parliament might adopt in accordance with their recommendations, a considerable boon would be conferred on the inventors and manufacturers of the country, and through them upon the public at large.

LORD STANLEY said, he rose to second the Motion. His hon. and learned Friend had gone so fully into the question that he should delay the House but for two or three minutes in adding a few remarks to the observations already made. He thought it would be evident to any one who had looked into the question, that there were only three alternatives open to the Legislature when dealing with it. One was to ignore altogether the claim of the inventor to receive a patent or legislative protection for his invention—to throw open inventions as soon as they were made, and to leave the inventor to obtain his reward simply from being first in the field, and from such secrecy as he might be able to maintain as to the operations he was carrying on. The next alternative was to grant, as at present, patents for a limited number of years, after an inquiry before some tribunal that might be considered competent, that tribunal to have the right to pronounce finally and decisively whether the inven-

tion deserved or did not deserve the protection which a patent gave. The third alternative was to grant patents, as at present, either without inquiry, or what was nearly the same thing—after an inquiry little more than nominal and formal, it being understood that the patent was to confer nothing more than a right to sue in a court of law; that it was not of itself an absolute protection to the inventor, but gave him a right to go to a court of law if the monopoly which he claimed was infringed upon. As regarded the first alternative, there might, perhaps, be more justice in it than at first sight appeared, or than would be generally admitted; but the universal practice in Europe and America was opposed to it; it would be condemned by public opinion, and in many cases it would be attended with injustice to individuals, and with great inconvenience to the public. It would lead to attempts being made to maintain secrecy in manufacturing processes, which would at once lead to various kinds of fraud, and deprive the public of much of the advantage of new inventions; and in the end it might become necessary to adopt some means of remunerating inventors at the public expense, which would throw upon Parliament, or upon the Executive, a duty which neither was fitted to undertake. He believed that those who had thought most on the subject, had come to the conclusion that it was impossible to find any other mode of remuneration than that afforded by patents, which would not be open to the gravest objections; but for present purposes it was enough to say, that any proposal to do away altogether with the protection which patents afforded would be universally condemned in this and other countries. The next alternative, that of referring claims for patents to a tribunal which would have the power of deciding finally whether a patent should or should not be granted, was the one which nearly every person on commencing to consider the subject was at first disposed to approve; but the more one looked into that scheme the greater and more serious became the obstacles to it. He did not hesitate to say that, after a good deal of consideration, those objections appeared to him altogether insuperable. In the first place, as discoveries took place in the whole range of the sciences, where were they to find men to compose a tribunal which would be competent to pronounce authoritatively and

finally in every branch of science? If the judges had a personal acquaintance with the art or science to which the invention pertained, there would be the risk of prejudice and personal rivalry; if not, there would be the risk of ignorance. Again, before such a tribunal the inventor would be represented, but there would be no one to represent the public. An inquiry of that nature would be a trial between the inventor on one side and the public on the other. The inventor would have an interest in keeping the invention close; and the public, on the other hand, would have as strong an interest in throwing it open. The inventor would be represented by counsel; but who would retain counsel on behalf of the public? Then, again, there would be that objection to which reference had already been made—namely, that those inventions which were most original, and which in the end would be likely to turn out most valuable, would be the most unlikely to receive scientific sanction. Even if all those difficulties had been overcome, how long would such a tribunal, even supposing it to be in the right, be able to hold its ground against the double pressure that would be brought to bear against it—against the complaint of inventors who had failed to obtain what they sought on the one side, and on the other against manufacturers complaining that their operations had been impeded by the granting of unnecessary and frivolous patents? He believed that it would not be possible to maintain such a tribunal beyond a few years; and, further, he was of opinion that during its existence it would not put a stop to litigation. They could not refuse to any person who claimed to show that a patent had been improperly granted for some invention that had previously been made by some one else than the patentee, the right of going to a court of law—the right of a re-hearing in such a case. If that were so, and if the decision of such tribunal would not be final, nothing would be gained by patentees except the right of going to one tribunal to obtain their patents, and afterwards to another to defend themselves against persons who made infringements on their privileges. There would be two trials, instead of one as at present. These considerations led him to believe, that in the first instance the inquiry into the nature of the invention for which a patent was claimed ought, as at present, to be almost nominal and formal.

*Lord Stanley*

He did not concede, as was sometimes said, that every man had a right to take out a patent, because it was a monopoly, and was a matter of concession; but for the interest of inventors, and of the public, he was convinced that the object which Parliament had in view would best be obtained by allowing persons to get patents easily, simply, and cheaply, at the same time affording an equally easy, simple, and cheap mode of subsequently disputing the grant to every person who was interested in so doing. The first of those objects had been effected by the Act of 1852: the second had not. Still, the Act of 1852 had effected a great reform. Formerly patents were very costly for the great mass of inventors. Now, he thought inventors had no cause of complaint on that head; for, though the total amount paid was considerable, the greater portion of it was not paid till it had been proved that the patent was of value to the inventor. The expenses, in the first instance, were not heavy. An objection was, however, taken to the state of the law on the ground that a large number of patents were taken out, not by inventors intending to make a legitimate use of them, but by persons whose object was merely to speculate on patents, by making them a means of annoyance to persons in trade—manufacturers and tradesmen often preferring to pay a sum down, even though not satisfied of the justice of the claim, rather than incur the trouble and expense of a costly litigation. If, as was generally alleged, that practice was resorted to, it afforded strong reasons for a change in the law. His hon. and learned Friend had pointed out, not only the expense, but the difficulty, lying in the way of those who wanted to test a patent. Again, he believed, that if any one wanted to ascertain the validity of a patent, the only practical method of doing so was to begin by infringing it. That was not a satisfactory state of things. Besides the question of the frivolous use of patents and the mode of procedure, there were others deserving of inquiry. He would only mention one. Those who on principle were most opposed to patents, and who thought, as many did, that when they gave a man a monopoly of an invention, they were dealing hardly by half a dozen other men, who, if he had not secured the patent, would have hit upon the same invention not very much later, founded their strongest objection upon this fact—that you not only gave

the patentee power to levy a toll upon every person who used his invention, but also enabled him absolutely to shut out the rest of the world from his invention for a certain term of years, if he thought that that was a more profitable course than allowing the use of it for a consideration. The remedy suggested was, that instead of allowing the patentee the sole use of his invention, he should be compelled to give licences to such persons as required them on payment of a fair and reasonable consideration. He did not say that there were not difficulties in the way of practically carrying out such a suggestion. For example, there was the difficulty of deciding on what should be an adequate consideration; but if that and other questions of detail could be satisfactorily dealt with, the result would be to get rid of one of the greatest objections to the Patent Laws as they stood. These were points which deserved inquiry. It was not his wish, or that of his hon. and learned Friend, to prejudge the case; but, inasmuch as ten years had passed since the existing Patent Laws were introduced, as that period had been one of great mechanical activity, and a large number of patents had been taken out, he thought a case had been established for a revision of the law, an inquiry into its working, and an attempt to ascertain in what respects it had answered its purposes, and in what it was susceptible of further improvement.

THE ATTORNEY GENERAL said, that the question raised by his hon. and learned Friend and the noble Lord was one which would be of importance in any country, but which was of especial importance in a country like England, where manufacturing industry was so largely developed and the inventive genius of the people was so great. Ten years had elapsed since the last Patent Act was passed; and as considerable diversity of opinion existed upon the subject, the Government were of opinion that a fair case had been made out for inquiry, and it was to be hoped that the result of the inquiry would be such as to render the future working of the law entirely satisfactory. His hon. and learned Friend said very truly that it was matter of just complaint that recourse was had to the machinery of the Patent Law, in too many cases for the purpose of obtaining protection for comparatively trivial inventions. Inquiry might be made as to the best remedy for this evil. At the same

timo it was not easy to suggest one. It might, perhaps, be desirable by express legislation to add to the authority of the law officers as investigators of these patents, giving inventors a right of appeal in case of an adverse decision. Another point was the inconvenience and cost attending the trial of what were called patent causes. There again it was not easy to devise a remedy or to suggest a more satisfactory tribunal. At present these cases were generally decided by a jury under the direction of a judge. It had been suggested that experts sitting as assessors, in analogy to the Elder Brethren of the Trinity House sitting in the Court of Admiralty, should be associated with the judge in the trial of these causes. That suggestion pre-supposed the absence of a jury; and that being so, he was afraid that the decision of such a tribunal would be more unsatisfactory than that of a jury to those against whom it was given. In this country, as to all matters of fact, there was a strong preference for the intervention of a jury, and the losing party was generally satisfied that he had had his chance and a fair trial. He was afraid, however, that no such satisfaction would result if the decision proceeded from experts sitting as assessors. On the other hand, it was impossible to deny, that though in the north of England and in London competent jurics were sometimes impanelled, juries too frequently failed to bring to the trial of these patent causes a sufficient amount of knowledge or intelligence. He, therefore, admitted it would be a subject well worth the consideration of the Commission, whether it would not be possible to constitute some tribunal better adapted for trying these cases than a jury. He doubted whether some of the evils complained of could be effectually got rid of. The great cost of the litigation in patent cases was often caused by incidental circumstances rather than the state of the law, and both the cases referred to by his hon. and learned Friend had, he believed, passed through both courts of law and equity. Of course, if a tribunal could be found, competent to decide these cases in a manner satisfactory to the public and the parties, the necessity for appeals and new trials would be to a very great extent avoided. Complaints had been made as to the expense of obtaining patents; but that expense did not fall very heavy, for it was distributed over a considerable period, £25 being paid within the first six months, £50

more at the end of three years, and £100 additional at the end of seven years. It sometimes happened that there was a considerable surplus arising from patents, and it was a matter deserving of consideration how that surplus should be dealt with. He sincerely hoped the result of the appointment of the Commission would be to bring about as great an improvement in the present law as the Act of 1852 produced in the law before that date.

MR. MONTAGUE SMITH said, that he was glad to find that his hon. and learned Friend was willing to assent to the appointment of the Commission. He considered that its labours would be well employed if the only inquiry which it instituted was into the mode of trying patent cases. He had had some experience of juries in patent cases; and, with all the respect for that tribunal, he thought it was utterly inadequate to the task of deciding in a great number of them. Juries might be competent to deal with easy cases, but not with those that were difficult and complicated. As science progressed, every improvement was a step in advance of what had been done before; the cases became more complicated, and it was very difficult for twelve men taken at random as a jury to decide between the different scientific witnesses, and to understand the intricate models that were often produced in court. A present learned judge had assured him, that when practising in Chancery, it once took him a week to understand the model of a lace-machine, that he might be able to explain it to the Court. They could not expect a satisfactory decision from a jury in cases involving novelties in intricate machinery, when they saw the models of machines for the first time on the floor of the court, and had no opportunity of mastering their details, even if they had the capacity from previous education to do so. He thought the time had arrived when, for the trial of difficult cases, some tribunal should be created better adapted for deciding them than the juries at present selected. He thought, also, though the judicial staff of the country might be sufficient for its ordinary wants, if patent cases were left to be tried at the ordinary sittings and assizes, it would be impossible for the judges to get through all the business. It would be impossible to get through the heavy mercantile cases that arose in London, if the jurors summoned had to try patent cases that might take a week or more to dispose of. In the

case of "Betts v. Menzies," the Chief Justice of the Common Pleas, then a judge of the Queen's Bench, was engaged six long days, the jury returned a verdict for the plaintiff on Saturday night, adding to it a few words which induced the judge to remark he was afraid all their week's work had gone for nothing. The manner in which that case was litigated was alone a sufficient reason for inquiring into the state of the law. After the verdict in favour of the patentee, the case was taken to the Queen's Bench, where the patent was defeated on the ground that an old patent had been discovered in the office by which the invention had been anticipated. The Court considered that the discovery was fatal to the patentee, after going through several courts. Finally, the case was carried by appeal to the House of Lords, where it was still pending. He was glad there was to be an inquiry by a Commission; without saying that in all cases juries should be dispensed with, or what should be the constitution of a new tribunal, he thought the principle of the Admiralty Court might be adopted. There a judge sat with the assistance of two Trinity masters, and the decisions, he believed, generally gave satisfaction. So for the trial of patent cases, a judge might sit with two experts, as assessors; persons might be selected for the duty having special knowledge of the subject to which the patent related. In conclusion, he would congratulate the House and the country on the probability of an Amendment of the present state of the law, which was not conducive to the attainment of truth, and was often the cause of scandal to the administration of justice.

MR. LEVESON GOWER said, he could not but express his regret at the very limited field of inquiry upon which the Commission was to enter. Some disappointment would be experienced by the public at finding that the policy, as well as the operation of the present law, was not to be a subject of inquiry. In 1851 men who were most competent to pronounce a sound judgment expressed their opinion that patents practically did more harm than good to inventors as well as to the public; and, although some surprise was excited at the time, it was an opinion which had year by year become more and more general. It was very desirable that the doubts which the weight of these opinions had necessarily created should be set at rest, and he really did not see how

the Commissioners could consider the operation of the patent laws without extending their inquiries further, and throwing some light upon the general question as to the advisability of having any such laws at all. He concurred in the view of the hon. and learned Member for Belfast that the patentee of a useless invention obtained no reward; indeed, he not only received no reward, but he was induced by the patent laws to spend his time very uselessly, and to incur expenses for which there was no return. But he did not agree with the other part of the hon. and learned Gentleman's proposition, that a patentee of a valuable invention obtained a proportionate reward. Whenever a man was the patentee of an invention of great national importance, it seemed to invariably happen that some ingenious person started up and took out a patent for a slight improvement upon it. They were thus placed in this difficulty—they must either refuse patents for improvements on previous inventions, or, allowing them, deprive the real inventor of his reward. The consequence generally was, that inventors were led into disastrous lawsuits in order to defend their rights, and it was remarkable to see, in reading the history of some of the greatest inventors, how their lives were harassed by such litigation. There was the case of Mr. Cort, the inventor of puddling iron. He was led into litigation and died a poor man, and his son, in a petition to Parliament, stated that his father had never received any benefit from his great discovery. Mr. Watt, too, was involved in some of the longest lawsuits on record, and Mr. Fulton, of whom the Americans were justly proud, died at the age of forty-five, his health having been impaired by the worry of perpetual legal disputes about his invention, in which he became involved. It was matter for consideration whether there was not something inherent in inventions which prevented their being the property of man and precluded any one person obtaining the reward. The speeches which had been delivered that night had told as much against the system as against the existing law; and although remedies had been suggested, he did not believe in their being effectual. He should support the Motion, but he regretted that the inquiry was not to be more extensive.

MR. VINCENT SCULLY said, he agreed that, in the majority of cases, the patent laws inflicted greater injury than

benefit on inventors ; and, if possible, some means ought to be devised to protect them from such injury. There was no class of men who were so much entitled to the protection of the law as inventors, and there was nothing so peculiarly the property of a man as the labour of his brains. The patent laws were improved in 1852, and they now required further improvement. One great evil was the expense attending legal proceedings in these cases. He did not think a jury a fit tribunal, and he would suggest that such cases should be tried by a judge, assisted or not by a scientific assessor or assistant, leaving it to the option of the parties to have a jury if they preferred one. He believed, that if the option were given, the parties in ninety-nine cases out of a hundred would not withdraw the consideration of the question from a qualified judge. Some restraint ought to be placed on the granting of patents which were neither novel nor useful. It would also be a great blessing to inventors if there were some person to whom they could apply for correct information before throwing away their money, which, as poor men, they found it difficult to scrape together. Any man could set up as a patent agent, there being no certificate required ; but a patent agency required as much skill as any profession. It would be a great protection to inventors if they had some scientific tribunal before which they could go in the first instance, and ascertain whether their inventions were worthy of being followed up or not. To do away altogether with protection for inventions would be not only an injustice to inventors, but a disadvantage to the public. The hon. and learned Gentleman had done much good by bringing forward the subject, and he hoped the result of the Commission would be to introduce some improvement in the present law ; but he feared it was too much to expect that it would lead to a perfect legal system upon so complicated a subject.

MR. FRANK CROSSLEY said, that, as a manufacturer, he had some experience on the subject, and could state that the body to which he belonged were becoming more and more impressed, not with the worthlessness, but with the importance of patents. The Act of 1852 effected a great reform in enabling men of small means to procure patents, not so much because the expense was reduced, as because it was distributed in several instalments

over a number of years. In spite of the strong feeling in favour of juries, there was a growing belief that patent causes ought not to be tried by ordinary juries. Inventions now followed inventions so rapidly that a very small distinction between one machine and another became a matter of the greatest possible importance, and it was very difficult to understand the difference. Jurymen ought at least to be allowed to leave the box and examine the models produced in court. He thought the noble Lord the Member for King's Lynn had taken a very sound view of this question. If the proposed inquiry led to as valuable reforms in regard to the protection of inventions as the last Act did in regard to the cost of patents, inventors would have every reason to be satisfied.

*Motion agreed to.*

*Resolved,*

That an humble Address be presented to Her Majesty, that She will be graciously pleased to issue a Commission to inquire into the working of the Law relating to Letters Patent for Inventions.

#### PUBLIC WORKS.—RESOLUTION.

MR. DILLWYN said, he rose to move the Resolution of which he had given notice in regard to Estimates for Public Works. The House had so long shown its indifference with regard to questions of financial reform, that if he had been bringing forward his Motion at the beginning of the Session, or even within the last month, he should have felt it necessary to have detained them longer than he now intended to do. The House, however, was at length awakening to the importance of taking some steps towards retrenchment. Many hon. Members had done their best to awaken the country to a sense of its increasing expenditure. The right hon. Member for Buckinghamshire was a convert to, and had advocated a large measure of, retrenchment, and he was glad to see the right hon. Gentleman among financial reformers, and wished that he had spoken from that side of the House, where he would have been more heartily cheered than he was by his usual supporters. He could not agree with all the right hon. Gentleman said in depreciation of "bloated armaments," but he would point out a mode in which he thought the expenditure might be reduced. He believed that the expenditure in the War Department, and in other departments,

*Mr. Vincent Scully*

might be reduced without any sacrifice of efficiency ; and he hoped he should have the assistance of the right hon. Gentleman in asking the Government to take a practical step towards retrenchment. He took the division the other night on the British Museum Bill as an indication that the House was thoroughly awake to the subject, and was determined to carry out a system of retrenchment in some way. He knew that other considerations affected that decision, but he believed it was influenced to the extent of many votes by that consideration. The question was how independent Members could best effect a reduction of the Estimates when the House saw that they could be safely and properly reduced. In the discussions upon the Estimates it was a matter of common occurrence that objections to items were met with the objection that the expenditure had already been sanctioned by a vote of the House, and that the refusal to continue it would inflict hardship upon persons who had accepted office on the faith of such a vote ; or that it was for the completion of works which had been already commenced, and the money spent upon which would be wasted if a further sum was not expended. No doubt those were strong arguments as far as they went, and the House, frequently for those reasons, rejected a Motion of which in the abstract it approved. Had many of the works which had consumed so large a portion of the public money been fairly and fully explained to the House in the first instance, it was very likely that they never would have been consented to. He might quote as an illustration of this the case of the fortifications at Alderney, which were defended by the noble Lord at the head of the Government on the ground that they were a continuation of works begun by a former Government. And so with the South Kensington Museum. At first they were only asked for the money for a shed ; then the shed was enlarged ; then they were asked for a corrugated iron shed, on the plea that there were articles spoiling for want of room ; and so they went on until at length an enormous establishment had grown up, which cost the country some £20,000 or £30,000 a year besides the expense of the building. As showing how the public money might be saved by the House paying proper attention to the subject in the first instance, he might cite the case of the proposed road across Hyde Park to the Exhibition. It was shown by a high authority in the

House that the road could not be made in time to be of any service, and the proposition was rejected, the result being that a more economical road, which served every purpose, had been opened. He did not mean to charge either the present or any previous Government with wilfully misleading the House in these matters, or endeavouring to get in the thin end of the wedge.

An hon. MEMBER moved that the House should be counted ; but notice being taken that 40 Members were present—

MR. DILLWYN said, the Motion he had the honour to move pointed, as he thought, to a simple method of checking the continual demands upon the public purse of an unnecessary description. He believed, that if there was a distinct class of Estimates for Votes which were proposed for the first time, hon. Members would think it worth their while to be present when such Votes were taken, and to examine them more fully than they cared to do in the case of Votes which had already in some way or other received the sanction of Parliament. Why should not the House of Commons deal with the Estimates in the same manner as a private gentleman regulated his own expenditure ? No private gentleman or man of business would consent to his agent undertaking new buildings without carefully considering the subject, nor would he allow items for such expenditure to be passed under his review as if they were a portion of his ordinary annual outgoings. They had been told over and over again by the Chancellor of the Exchequer that the Government were responsible to the House for the expenditure which they proposed ; but in reality that responsibility was very slight, because the change of Governments enabled them to shift the blame to the shoulders of their predecessors. By the alteration which he sought to introduce, more direct responsibility would be created, and at the same time the passing of the ordinary Estimates would be facilitated. He would therefore conclude by moving the Resolution of which he had given notice.

MR. AUGUSTUS SMITH seconded the Motion.

Motion made, and Question proposed,

"That, in the opinion of this House, it is desirable that, in all cases in which Her Majesty's Government propose to construct Works or to erect Fortifications or Public Buildings distinct and separate from those already existing or sanc-

tioned by Parliament, the Estimates for such New Works or Erections should be submitted for the consideration of the House in a separate form, and at a separate time, from the Annual Estimates for Current Expenditure."

SIR GEORGE LEWIS said, he hoped that the hon. Gentleman would not think he was treating him with any want of respect, when he stated that it was not his intention to follow him through the several topics of his speech. The hon. Gentleman's proposition was, that a new class of Estimates should be created by the executive Government and laid before the House. There were already four classes of Estimates, one for each branch of the War Service, one for the Revenue Departments, and one for the Civil Service. His hon. Friend proposed that a class should be constituted, to consist of "new works," which were now distributed among the other classes; but he had not gathered from his hon. Friend's Resolution or from his speech whether in the new class were to be included additions to existing works. Would an addition to a barrack be considered a new work?

MR. DILLWYN: Yes; if it were a considerable addition.

SIR GEORGE LEWIS: A considerable addition?—then a small addition would not, in his opinion, be a new work. The hon. Gentleman would see that a very nice question would at once arise as to the extent of the addition which was to constitute a new work. But the hon. Gentleman overlooked another inconvenience that would arise. The new works, according to his meaning of them, would be of a very limited extent. In the fourth class of the Army Estimates the Votes were set out in great detail, and, with few exceptions, the new works mentioned therein were works which had previously received the sanction of Parliament by a vote of money. Now, what information could the hon. Member ask for more than was furnished in those details? The only works really new in these Estimates were to be found under the head of Bermuda, the total estimate of which was £5,000. Supposing that Vote were put in a fifth class, what advantage would the House derive from such an arrangement? That Vote was connected with other Votes, for Gibraltar and other fortified places in our Colonies. Now, if that particular Vote for new works were relegated to a fifth class of Estimates, the House would be deprived of that information which was derived from a comparison

with other Votes, and from the details referring to them all. There was every wish on the part of the Government to present those Estimates in a form most satisfactory to the House, with a view of furnishing the best information possible, and of facilitating discussion. Those Estimates were now set forth in much greater detail than they used formerly to be presented to the House. Their present bulk was occasioned by the frequent demands made on the Government for additional information, and the desire of the Government to furnish such information. It was most convenient, in the discussion of those Estimates, to be able to compare one year with another, and to see the total amount of the Estimates as a whole. [Another attempt was made to count out the House without success.] He would instance the case of a new barrack for which a total estimate of £50,000 would be required; but only a sum of £10,000 would be asked for the first year. Now, though that Vote would appear in the first instance in the proposed new class of Estimates, in the second year it would necessarily be transferred into the ordinary Army Estimates. But how would the Vote of the previous year be entered? Here it was obvious that the necessary information could not be communicated, and the advantage of comparison would be wholly destroyed. The same inconvenience and confusion would arise with respect to the Naval and Civil Service Estimates if the proposition of the hon. Gentleman were agreed to. The Army Estimates were, he thought, presented in such a form that hon. Members could easily see for themselves what was and what was not a new work. If they were not sufficiently clear, he should have no objection to indicate the new works by some typographical arrangement, so as to draw attention to them more forcibly. There was every disposition on the part of the Government to present the Estimates in the form most convenient and acceptable to the House, but he did not see that any good would arise from the adoption of this plan, and he was therefore unable to give his assent to it.

MR. DILLWYN in reply said, that if the right hon Gentleman would separate the Vote for new works in each class of Estimates it would be a practical improvement upon the present system.

Motion, by leave, withdrawn.

INDUSTRIAL SCHOOLS.  
RESOLUTION.

**COLONEL SYKES** said, he rose to submit the following Resolution :—

"That, in any system of Education by Government aid, provision should be made for teaching in Industrial Schools ; and that, with a view to encourage evening study by adult operatives, provision be made for supplying a Teacher in such Mechanics' Institutes as may apply for one."

The results obtained from the system of education in the schools assisted by the Government grant were admitted to be very imperfect and unsatisfactory. Even the elements of reading and writing tolerably well were limited to a minority of the pupils, and it was not usual to find a child able to master the multiplication table. But supposing these things learned, they no more constituted education than plates and knives and forks made a dinner ; they were merely means to an end. By far the greater number (at least 86 per cent) of children in Government schools, who entered at or after six, were compelled to leave the schools before or at ten years of age, their parents needing the profit of their labour. Those who remained beyond that age were not the children of the labouring poor, but of the middle class, who were able to pay for their education elsewhere. The returns indicated that the maximum attendance of children at school was at eight years of age, and that after that age the attendance rapidly declined. If Members compared the results of the system pursued in these schools with the benefits actually conferred on the poorer class of children by the training of the Industrial Schools supported by private efforts, they would agree with him in urging them on the Government for assistance. The Industrial Schools, by the combination of mental and physical labours, reconciled children to the restraints of school. While, in addition to literary culture, the girls were taught washing, cooking, housework, and needlework, the boys learned trades, gardening, agriculture, household work, baking, &c. In Scotland these schools had been eminently successful. In Aberdeenshire, Sheriff Watson's Industrial Schools had greatly diminished juvenile offences and vagrancy ; and Dr. Guthrie, who had greatly interested himself in this class of schools, bore strong testimony to the advantages society derived from them ; and the Inspector of Reformatory reported—

"I think the value of these industrial certified schools in Scotland can scarcely be exaggerated."

And the Commissioners, in their Report on the State of Popular Education in England, at page 402, used these words—

"It appears to us that the object which Industrial Schools are intended to promote is one which should not be left to private individuals, but should be accomplished at the public expense and by public authority."

Nevertheless, such serviceable schools were left without aid from the education grant ; though, with singular incongruity, if the children educated by philanthropic individuals at such schools had committed offences against the laws, and had been passed to a reformatory, an allowance of five shillings per head per week would be granted for them ! In consequence of this state of things, Dr. Guthrie addressed a memorial to the Committee of Privy Council on Education, asking for aid for Industrial Schools, and was refused. He then called public attention to the subject in a letter, dated Edinburgh, 17th May, 1862, from which he (Colonel Sykes) would quote a few words—

"I pray you to observe that we do not ask one penny from the public funds to feed these hungry, to cloth these naked, or, when it is necessary, to house these homeless children ; but we complain of it as a monstrous wrong, that the Committee of Council, to whom are intrusted the monies voted for education, should deny us all help to educate them ! They refuse to aid us in educating those whose circumstances are so desperate, that unless we burthened ourselves to a greater or less extent with their maintenance, they must go altogether uneducated, having no choice but to beg, steal, or starve."

Although this language was strong, it was not too strong for the occasion ; for social economists were quite aware that ignorance and want of occupation in nine cases out of ten were the causes of juvenile crime ; and it must be patent to Members, that the "Blacking Brigades" of poor boys in London had done more to diminish juvenile offences than all the legislative Acts ever passed. He therefore trusted that in any grant for educational purposes regard should be had for that class of children to whose case he now called the attention of the House.

Motion made, and Question proposed,

"That, in any system of Education by Government aid, provision should be made for teaching in Industrial Schools ; and that, with a view to encourage evening study by adult operatives, provision be made for supplying a Teacher in such Mechanics' Institutes as may apply for one."

MR. LOWE said, that the hon. and gallant Gentleman had with much force pointed out the early age at which children left the schools under the system of the Privy Council, and also that many of the children left the schools without having acquired the rudiments of education. Agreeing with the hon. and gallant Member on these matters, he could not, however, join in the inference, that because children left the schools at an early age, without having acquired, in many instances, the rudiments of reading, writing, and arithmetic, and of religion, therefore the remedy was to be sought in teaching them something else. He should have thought that the inference ought to be quite the opposite. It was unnecessary for him to go at any length into the subject, which had been thoroughly investigated by the Royal Commissioners, who reported against continuing the aid to the schools adverted to by the hon. and gallant Member. Last year a Committee of that House also investigated the subject, and reported against the grant of aid. The opinion of the Select Committee of the House of Commons was, that if the children in these schools were children who had committed offences of a minor description, there were reformatories in which they might be retained and reformed; and that if they were only poor and destitute, their case was then one for the intervention of the Poor Law by district workhouse schools. If, however, they were of a nondescript class, not comprisable in either one or other of the categories just mentioned, then the recommendation of the Select Committee was, that they should be left to the voluntary attention and kindness of persons actuated by charitable feelings; and the Select Committee most expressly reported against the proposition of the hon. and gallant Member. Such were the views of the Select Committee of last year, and they appeared to be founded in justice and good sense. The House would understand how difficult, or, indeed, how impossible, it would be to devise conditions on which public money should be granted to these schools, the very essence of them being that they were missionary efforts, trying to pick up the waifs and strays of society not amenable to discipline. Were he to put them under the discipline of the Privy Council and exact from them something definite in the shape of intellectual progress in exchange for money given, he should be injuring in the most vital man-

ner the object of these Industrial Schools, which was not so much intellectual as moral. It had been said of the ragged schools of London, presided over so admirably by the Earl of Shaftesbury, that they would be seriously injured by interference of any Government department. In like manner he was convinced that by interfering with Industrial Schools they would be doing harm instead of good. The hon. and gallant Member might, nevertheless, have made out an excellent case for private charity. Dr. Guthrie, it was true, had applied to the Privy Council for £700 in aid of similar schools, and was refused. Dr. Guthrie then appealed to the benevolence of the public, and the consequence was that he got £2,000; and that result Dr. Guthrie thought a great reflection on the Privy Council, but the matter ought to be regarded in quite a different light, not only as showing the extent of Dr. Guthrie's influence, but as pointing out a legitimate field for the exercise of private benevolence. He was perfectly convinced, that the duty of sustaining these Industrial Schools did not fall within his department, circumscribed within the limits in which it was restrained at present, and he was neither disposed to trench on the business of the Home Office with respect to the imprisonment of young criminals, nor upon that of the Poor Law Department in respect to feeding and supporting destitute children.

Motion, by leave, withdrawn.

#### BALLOT.—LEAVE.

MR. SPEAKER : Mr. Henry Berkeley,  
MR. H. BERKELEY : Sir, I answer your summons, and rise to ask leave to bring in a Bill to cause the votes of Parliamentary electors to be taken by way of ballot. It strikes me very forcibly that the arguments I have hitherto used are entirely unanswered. I shall, therefore, leave the question in your hands.

LORD FERMOY seconded the Motion.

Motion made, and Question put,

"That leave be given to bring in a Bill to cause the Votes of Parliamentary Electors to be taken by way of Ballot."

The House divided :—Ayes 83 ; Noes 50 : Majority 33.

Bill ordered to be brought in by MR. HENRY BERKELEY and Lord FERMOY.

BALLOT AT MUNICIPAL ELECTIONS.  
LEAVE.

MR. AUGUSTUS SMITH said, the Motion which he had the honour to submit was one so very similar to that which had just been decided, as to make it unnecessary for him to take up the time of the House by advancing any arguments in its support. He would therefore content himself by simply moving for leave to bring in a Bill to allow the votes of municipal electors to be taken by way of ballot in all places where the town council should so think fit.

MR. COX seconded the Motion.

VISCOUNT PALMERSTON: After the agreeable surprise which we have had enacted this evening, and the hon. Member for Bristol having given us an example in his own person that silent voting is better than audible argument, of course this Bill will take its fate with the other, and therefore I will defer any remarks until another occasion.

Motion made, and Question put,

"That leave be given to bring in a Bill to allow the Votes of Municipal Electors to be taken by way of Ballot, in all places where the Town Council shall so think fit."

The House divided:—Ayes 82; Noes 48: Majority 34.

Bill ordered to be brought in by Mr. AUGUSTUS SMITH, Mr. Cox, and Mr. DILLWIN.

ROMAN CATHOLIC PRISONERS' BILL.  
LEAVE. FIRST READING.

MR. HENNESSY said, he rose to move for leave to bring in a Bill to amend the law relating to the religious instruction of Roman Catholic prisoners in England and Wales. In the present temper of the House, and as the principle of the Bill had been admitted in the fairest manner by the noble Viscount, he would simply move for leave to bring in the Bill.

MR. SPEAKER said, that looking to the character of the Bill, he thought it ought to be introduced in Committee of the Whole House.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Motion agreed to.

House in Committee.

MR. SERJEANT PIGOTT said, he thought that some explanation of the provisions of the Bill ought to be given.

MR. HENNESSY said, the Committee were aware that the religious instruction of Roman Catholic prisoners in England and Wales was given under an Act of Parliament which was passed before the period of Roman Catholic Emancipation. It was, therefore, impossible that Roman Catholic prisoners could be legally assembled for religious worship within the walls of the prison. The visiting justices of some county prisons had dwelt on the injustice of the present state of things, and had expressed their regret that the law was so strong that Roman Catholic prisoners could not be assembled in class to be instructed by priests of their own persuasion. In 1853 the noble Lord at the head of the Government said—

"As far as Government prisons were concerned, he was quite prepared to state that he should feel it to be his duty to take steps for carrying into effect the views which had been expressed,—that in every Government prison there should be religious instruction given to every Catholic and Dissenter, as well as to every member of the Church of England, and that the person who gave it should receive that treatment which was consistent with a due respect to his character, and such reward as might be adequate to the duties which he had to perform." [3 Hansard, cxix., 1869-70.]

And the noble Lord concluded—

"It would be his duty early next Session to prepare and submit to Parliament a measure for the purpose of placing religious instruction in county gaols on the same footing as religious instruction in prisons more immediately under the control of the Government." [Ibid.]

The Government, however, did not bring in a Bill. The law continued unchanged. The grievance remained, and he now proposed to apply a remedy.

MR. SERJEANT PIGOTT said, he was much obliged to his hon. Friend for the explanation he had given. He would admit that full liberty ought to be given for the religious instruction of Roman Catholic prisoners. His only fear was that the Bill involved a proposal for an additional grant of money from the public funds.

MR. WHALLEY said, he would advise the hon. Member to postpone legislation for the present. Thirty thousand pounds a year were already appropriated to Roman Catholic purposes; and though it was painful to him to have to make further efforts to inform the House on the subject, he thought they ought to ascertain what system, doctrines, discipline, and laws the grant of that money to Roman Catholics tended to disseminate. It was a mistake to regard it as a question of

religion. In the name of religion Roman Catholicism was a political system, the operation of which, in the opinion of the late Sir Robert Peel, was utterly at variance with the social interests of the country. The canon law, which was in force to the full extent of the power of the priests, set at defiance every principle of social order, and sanctioned murder, theft, perjury, and every violation of the common law. The Commissioners in 1853 reported that they could not refer to books for the purpose of ascertaining what doctrines were taught in Maynooth. The system was one of practice, and the result was seen in the renewal of assassinations and agrarian outrages in Ireland. There were two societies in Ireland—St. Patrick's Brotherhood, at the head of which was Father Labelle; and the Catholic Young Men's Society, at the head of which was Dr. O'Brien. He might quote the opinion of Dr. O'Brien a leading authority in the Roman Catholic Church, to the effect that there were men who had taken oaths of conspiracy in Dublin, Cork, Limerick, and elsewhere; and that the aim of the combination was the suppression of public opinion. He also cited a statement of Father Labelle to a similar effect.

**MR. BRIGHT:** I understand the hon. Gentleman has, in accordance with one of our rules, moved the House into Committee for the purpose of asking leave to introduce a Bill, which is supposed, in some degree, to refer to the subject of religion. I am not aware that the hon. Gentleman proposes to ask the House to vote any sum of money in addition to what may be already granted by Parliament for Catholic priests or Catholic instruction. The hon. Gentleman's object appears to me very proper, and one which need not create much alarm here or elsewhere. We know there are about six millions of persons in the United Kingdom who are in communion with the Roman Catholic Church. They are called upon to pay taxes; they are subjected to the control of the laws; they form an important element in the population and power of the United Kingdom. The hon. Gentleman does not ask anything for them which Parliament does not constantly and willingly grant for the rest of the population. That being the case, I cannot understand the wisdom, patriotism, generosity, or Christianity of any Member of this House who seizes an opportunity like this to make a violent and abusive attack directed generally against

6,000,000 of people, but particularly against the priests in whom they repose confidence, and by whom they are taught the principles of their religion. Surely, if there be, as there unfortunately are, a good many members of that Church who, being in poverty and ignorance, fall into crime and are thrown into prison, what can be more proper than that they should there receive religious instruction? The hon. Member for Peterborough (Mr. Whalley) acts on the assumption, that if any of these persons are brought into contact with a priest, they are more likely than they otherwise would be to commit a crime. Therefore he would be glad to shut them out from the instruction which the hon. Gentleman proposes they should receive. Now, you cannot exterminate the Catholics, nor can you convert them by any process of which the hon. Member for Peterborough is the apostle. I undertake to say, that if there be any man who is responsible more than another for anything that may be deemed disloyal or disaffected towards the Government on the part of the Roman Catholic population or Roman Catholic priests of the United Kingdom, it is the man who here and elsewhere takes every opportunity of making it appear that there is in the conduct or belief of 6,000,000 of our countrymen something which makes them unworthy of being treated by Parliament with common generosity and justice. I do not think that the Committee sympathizes with the hon. Gentleman. It is obvious that it does not, for I have heard from both sides of the House exclamations which we all understand, and which should have led the hon. Gentleman to abbreviate his speech. I beg of him, for the sake of his own character, for the sake of that Protestantism of which he professes to be the champion, and for the sake of the House of Commons, to refrain from heap ing unmeasured abuse upon the Catholic priests of Ireland and England, and to allow us to deal with such questions as the one before us with calmness and justice.

**MR. MAGUIRE** said, he was sure that every hon. Member in the House would appreciate the kindness of the hon. Member for Birmingham (Mr. Bright), but he would assure him that it was not worth while at any future time to take the trouble to rebuke the hon. Member for Peterborough. In common with many others, he hoped that hon. Member would persevere in his course, for he firmly believed he had turned the whole anti-Catholic cause

into ridicule, and it was now very little matter what he said. The hon. Member for Birmingham besought the hon. Gentleman, for the sake of his character, not to persist in his present line of conduct. Why, it was this mission which gave him a character, and it would be the height of cruelty to deprive him of it. For his own part, he really liked the hon. Gentleman, and thought him exceedingly entertaining. Instead of going to hear Buckstone, he stayed in the House and listened to the hon. Member for Peterborough. The question before the House was one of common justice and prison discipline. There was unfortunately a large percentage of the poorer Roman Catholics who got into gaols from crimes to which their poverty had driven them, and they ought not to be sent back to the world worse than they went into prison. As a matter of policy and common fairness, the Catholic culprit ought to have the benefit of the ministration of the priest whose religion he professed. The object of the law should not be to punish, but to reform; and if a criminal was to be reformed, it would only be by the precept of religious teaching in the prison.

SIR GEORGE GREY: I am not acquainted with the nature of the Bill, and therefore I do not resist its introduction. But the question is evidently one that does not in the least affect the doctrines of the Roman Catholic Church; and I think it is very much to be regretted that the doctrines of that or any other Church should become the subject of discussion in this House. Whether the hon. Gentleman behind me is well founded in his objection to the Bill or not, he ought to be the first to move for leave to introduce a measure on the subject, because the law as it stands distinctly recognizes the right of every Roman Catholic to be attended at his own request by a priest of his own Church; and, moreover, persons under sentence of death are by law exclusively under the care of the priests of their own religious persuasion. The law at present is certainly in an anomalous condition, and therefore, though I do not know what the Bill of the hon. Member is, I think it quite right to allow him to lay it on the table, and I shall be very glad to consider its provisions carefully and impartially.

*Resolved,*

That the Chairman be directed to move the House, That leave be given to bring in a Bill

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to amend the Law relating to the Religious Instruction of Roman Catholic Prisoners in England and Wales.

House resumed.

Resolution reported.

Bill ordered to be brought in by Mr. HENNESSY and Mr. SCHOLEFIELD.

Bill presented, and read 1<sup>o</sup>; to be read 2<sup>o</sup> on Tuesday next, and to be printed [Bill 140].

MAYNOOTH COLLEGE.

RETURN MOVED FOR.

MR. WHALLEY, in moving for Returns connected with the course of education at Maynooth, said, he had obtained the consent of the right hon. Gentleman the Chief Secretary for Ireland to his Motion, as well as that of hon. Gentlemen who usually took a prominent part on the question on the opposite side of the House. He therefore believed that the Returns would have been granted, as a matter of course; but as he found that the right hon. Gentleman the Member for Limerick was about to oppose the Motion, he was compelled to make a short statement. The details which he now sought to obtain were called for under the terms of the Motion of last year; but, at the suggestion of the then Chief Secretary for Ireland, an alteration having been made to meet the wishes of the authorities of the college, they took advantage of that circumstance and kept back the most material portion of the information, alleging that there was no record kept of the subsequent destination of the students on leaving the college. But in the Report of the Commissioners of 1853 it was recommended that a record of that very nature should be kept, and it was stated that there would be no difficulty in obtaining the information. The object of his Motion, therefore, was to supply the omission. He denied that he had ever used violent language against the Roman Catholic population. All he had maintained was, that the priests who left Maynooth, and were scattered over the world, preached doctrines antagonistic to the intentions with which Maynooth was endowed. The return would enable him to prove the particular teaching at Maynooth and other Roman Catholic seminaries.

Motion made, and Question proposed.

"That there be laid before this House, a Return of the names, ages, and number of Stu-

dents attending the College of Maynooth on the 31st day of August 1844 (being the end of the academical year); the names and number who have entered each year from that time till the 31st day of August 1861, with the age of each Student at entering; the names and number who have left College during that period who have not completed their course of education, with the date and cause of leaving, and the classes which they have respectively attended."

MR. MONSELL said, he only desired to call attention to the last line of the Return asked for—"The names and number who have left College during that period who have not completed their course of education, with the date and cause of leaving." He would put it to the House whether it would not be a most improper thing to ask for such a Return. Persons who had left College, and were now leading useful and creditable lives, would not desire to be stigmatized by the entry of "stupidity," or other more discreditable epithet against their names.

MR. VINCENT SCULLY said, that some strong course ought to be taken to put a stop to the proceedings of the hon. Member for Peterborough, which were becoming intolerable. It was no recommendation of his Motion that it had the consent of the Chief Secretary for Ireland. Would the hon. Member like to have such a Return as that moved for respecting the school which he had attended? Perhaps it might show that he was insubordinate, or offensive to his schoolfellows. Hon. Members who had been guilty of boyish tricks would not like to have them put on Parliamentary record. The hon. Member for Peterborough, who denied that he used abusive language in speaking of Roman Catholics, was reported to have said, at one of the meetings he had addressed when "starring" in the country, that "If a Roman Catholic lived next door to him, he might consider him to be a very good fellow, but he would not trust him." Was not that offensive language for one gentleman to use towards another? The hon. Member would not venture to address it to him outside of that House. He hoped the hon. Member would keep the anti-Popery subject from getting into more serious hands, in which it might be made more mischievous.

SIR ROBERT PEEL said, he felt bound to say that he had not been consulted on the subject. The right hon. Member for Limerick (Mr. Monsell) would bear him out that he had urged in the

lobby that it would be better to leave out the clause why students had left the college and the classes they had attended. It would be very unfair that a student after a lapse of ten or fifteen years should be *affiché* in the manner proposed by this Return. If the hon. Member would withdraw these words, he should not object to the Return.

MR. WHALLEY said, the statement of the right hon. Baronet would imply that he (Mr. Whalley) had had no communication with him. Would the right hon. Baronet say that?

MR. KENDALL observed, that it must require some little courage in the hon. Member for Peterborough to bear up against the attacks made, as he (Mr. Kendall) thought, rather unfairly upon him. The hon. Member said, "I am accused of being unjust to Maynooth. Give me the Return of the persons educated there, and I will prove to you that they have not acted justly towards the persons who have been called upon to pay for their education—that they have not discharged their duty to their Queen and country." The hon. Member for Peterborough had from time to time attacked the priests educated at Maynooth, and had pointed out many evils resulting from their teaching. He now sought substantial proofs in the Return he moved for. That was the fair and honest way of putting the question, and he did not think the hon. Member should be run down for seeking the information.

SIR GEORGE GREY said, the question was whether the hon. Member would agree to omit the words.

MR. O'BRIEN observed, that if this Return had been asked as from Oxford, Cambridge, or any other place of education in Ireland, it would have been scouted by every Member in the House. Let the hon. Member attack the Roman Catholic priesthood in his annual Motions, but do not let him indulge in this eccentric abuse of them.

MR. WHALLEY said, he was willing to withdraw the words to which exception had been taken, and should not have inserted them if hon. Members had communicated their objections to him privately. He must, however, state that he had not only obtained the consent of the right hon. Chief Secretary, but that, so far from wishing to offend Roman Catholics, he had consulted several hon. Gentlemen of that religion before moving for the Return.

He felt it very hard that he should be constantly accused of making sweeping attacks upon the Roman Catholics, when in 1847 he had saved the lives of many members of that body in Ireland, and that at the risk of his own.

MR. HENNESSY said, that in justice to the hon. Member he must say that he had done him the honour of consulting him previous to making the Motion, and that he (Mr. Hennessy) had—on his own account only—said that he saw no objection to the fullest inquiry being made into the working of the College of Maynooth.

Motion, by leave, withdrawn.

Return ordered,

"Of the names, ages, and number of Students attending the College of Maynooth on the 31st day of August 1844 (being the end of the academical year); the names and number who have entered each year from that time till the 31st day of August 1861, with the age of each Student at entering; the names and number who have left College during that period who have not completed their course of education, with the date of leaving."

#### EDUCATION OF PAUPER CHILDREN

BILL—[BILL No. 87.]

COMMITTEE.

Order for Committee read.

House in Committee.

Clause 1 (Guardians may send Children to Schools and Institutions).

MR. HENLEY said, that guardians of the poor would have under the Bill power to send "children thereafter described" to certain schools. He thought that the clause should define the class of children. He would also suggest that some words should be inserted which would meet the expense to be incurred in their education and maintenance.

SIR STAFFORD NORTHCOTE said, that that point had been considered by the Select Committee to which the Bill had been referred, and it had been thought the object of his right hon. Friend would be attained without the introduction of any set form of words into the clause. The intention was that any excess over the ordinary cost of the child's maintenance in a workhouse should be defrayed by private charity.

MR. HENLEY said, he thought that some limit should be named, such as that the expense should not be greater in these institutions than in the workhouse, for the guardians would take no care except in reference to money which came out of their own pockets.

MR. SOTHERON-ESTCOURT said, the children to which the Bill applied were principally orphans, and there was little reason to fear the boards of guardians would incur undue expense on their account.

MR. HENLEY said, he had not the same confidence in boards of guardians, and preferred that some check should be imposed upon them. The clause extended to other children besides orphans, and would give an advantage to parents whose children were supported by the parish over those whose children were supported by industry.

MR. SOTHERON-ESTCOURT said, that if the limitation was mentioned, in all likelihood it would be adopted in almost every case; whereas, if left open, he thought the guardians, in a matter of expenditure, might fairly be trusted.

MR. AYRTON said, he concurred in the suggestion of the right hon. Gentleman (Mr. Henley). The Education Commissioners had possessed the public mind with the idea that the workhouse schools were the worst in the country, whereas they were really the best.

MR. C. P. VILLIERS said, the Poor Law Board had no reason to be dissatisfied with the present provision made for educating pauper children, which was, in fact, the bright part of the Poor Law system. That provision was liberal: as an experiment it had been followed by great results, and what was most striking about it was, that the improvement thus effected was progressive. An opposite opinion, however, pervaded the community, and the Bill proceeded on the assumption that the workhouse schools were attended with positive evil. He was inclined to think the measure would prove a dead letter, though some persons of experience were confident it would operate beneficially. As it stood, the Bill was, he believed, a perfectly innocent one, and he was not therefore prepared to oppose it. In the Bill before the Committee, there was a provision that the guardians should not contract with a school unless it had previously been examined and certified by the Poor Law Board. As the system about to be adopted was an experiment, it might be advisable to adopt the suggestion of the right hon. Gentleman (Mr. Henley), and limit the expense.

MR. KENDALL said, he hoped that the right hon. Gentleman the Member for Oxfordshire would persevere in the course he had adopted.

SIR STAFFORD NORTHCOTE said, he would propose to insert the following words to meet the difficulty :—

"Not exceeding the average amount of maintenance and establishment charges incurred in respect to children maintained in workhouses."

*Amendment agreed to.*

*Clause, as amended, agreed to.*

*Clauses 2 to 5, inclusive, agreed to.*

Clause 6 (Continuance in School not to be compulsory).

MR. HENLEY suggested that children, instead of being kept at school till sixteen years of age, should be sent out as apprentices at fourteen. He considered it absurd that children educated in workhouse schools at the expense of other people, should be kept there after other children in the same rank of life were sent out into the world to get their own living.

MR. C. P. VILLIERS said, the power given to the guardians by the clause was merely discretionary; and at present they had a similar power in respect of keeping children in the workhouse up to the age of sixteen. He was not, however, adverse to the Amendment of the clause, if it could thereby be rendered more effective.

MR. LYALL said, he was in favour of giving the guardians the discretionary power provided by the clause.

MR. PULLER said, he agreed with the right hon. Gentleman the Member for Oxfordshire, that as a general rule it was not desirable to keep children in workhouses after the age of fourteen, but there were exceptional cases; and if there was a discretionary power in respect to keeping them in workhouses up to sixteen, it would be well to allow the same discretion in the case of the schools. It might meet the right hon. Gentleman's view to leave out the words referring to age.

SIR STAFFORD NORTHCOTE said, he had no objection to strike out the words with reference to the age of children, leaving the matter entirely within the discretion of the guardians.

*Words struck out; Clause agreed to.*

*Remaining Clauses agreed to.*

*House resumed.*

*Bill reported; as amended, to be considered To-morrow.*

SALMON FISHERIES (SCOTLAND) BILL.  
[BILL NO. 81.] COMMITTEE.

Order for Committee read.

House in Committee.

*Mr. Kendall*

*Clauses 1 to 4 agreed to.*

Clause 5 (Commissioners to be appointed by Secretary of State).

THE LORD ADVOCATE said, he proposed to amend the clause by a provision under which each Commissioner was to receive a salary not exceeding £350 per annum.

*Amendment agreed to.*

MR. CAIRD said, as the duties to be intrusted to those Commissioners were of a most important character, it was desirable to have the names of the gentlemen to be appointed Commissioners publicly announced.

THE LORD ADVOCATE said, it would be impossible to accede to the suggestion.

*Clause, as amended, agreed to.*

Clause 6 (Duties of Commissioners).

MR. W. LESLIE said, he objected to that portion of the clause which empowered the Commissioners to define the boundaries between the river and the sea, and between an estuary and the sea. Such a power was too great to intrust to any body of men.

THE LORD ADVOCATE stated, that the Bill of the last Session proposed that the boundaries should be determined by a judicial process; but fishery proprietors having represented to the Government that that would be too expensive a process, and that the Commissioners ought to fix the boundaries, the Government had adopted their suggestion. The boundaries would be fixed, not arbitrarily, but upon scientific principles.

MR. MURE said, he should oppose the clause, which would interfere with vested rights to an extent never proposed by any previous measure.

MR. BLACKBURN said, he thought that intelligent Commissioners would be far more competent than a jury to fix the boundaries.

MR. E. ELICE (Kilmarnock) said, the unanimous opinion of several fishery proprietors with whom he had communicated was in favour of the clause.

MR. LESLIE said, he would agree to withdraw the Amendment, but he must at the same time protest against handing over to any persons the irresponsible powers conferred on the Commissioners.

MR. WEMYSS said, he hoped the hon. Member would not withdraw the Amendment.

*Amendment, by leave, withdrawn.*

SIR JOHN HAY said, he proposed to

move, with reference to the weekly close-time, the insertion in Clause 6, after the word "district," of the words, "and shall not commence later than six p.m. on Saturday, nor end before six a.m. on Monday."

MR. D. ROBERTSON said, that he had given notice of an Amendment on the same point, and the two might be discussed together. He proposed to introduce the following words:—"That the thirty-six hours of weekly close-time proposed by the Bill shall be from two o'clock p.m. on Saturday till two o'clock a.m. on the following Monday morning."

THE LORD ADVOCATE said, that last year the weekly close-time was fixed as the hon. Baronet proposed. But there was a very strong opinion that the periods were too arbitrary. He was not ready to depart from the provision of the Bill, whereby it was left to the Commissioners to say—taking into consideration the peculiarities of each river—when the period should commence and when it should terminate.

MR. R. HODGSON said, he thought it would be better to adopt universally the hours from six p.m. on Saturday to six a.m. on Monday, those marking the usual working hours.

LORD NAAS said, he thought it very inexpedient to close the fisheries at a late hour of the night. The effect would be that a great deal of poaching would go on. He recommended the extension of the close-time till six o'clock in the morning.

THE LORD ADVOCATE said, he did not propose to close the time for fishing at two o'clock in the morning. He intended to leave that question open to the Commissioners for each particular river.

Amendment, by leave, withdrawn.

Clause, as amended, ordered to stand part of the Bill.

Clause 7 (Annual Close-time).

MR. WEMYSS proposed to alter the annual close-time from 180 days to 150 days. By so doing they would assimilate the Act in that respect to the Irish Fisheries Act.

Amendment negatived.

MR. W. LESLIE proposed to leave out the words "thirty-six hours," and insert the words, "from the hour of six o'clock on Saturday night till six o'clock on the Monday morning."

Amendment proposed,

In line 11, to leave out "for thirty-six hours,"

and insert "from the hour of six of the clock on Saturday night to the hour of six of the clock on Monday morning."

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided:—Ayes 4; Noes 56: Majority 52.

Words inserted.

Clause, as amended, put, and agreed to.

Clauses 8 to 15, inclusive, agreed to.

Clause 16 (Election of District Boards). MR. D. ROBERTSON moved to strike out the words "or if such fishery be not valued on the valuation roll of half a mile of frontage to the river with the right of salmon fishing."

THE LORD ADVOCATE said, he thought it would be hard that such persons should be deprived of their right.

Amendment, by leave, withdrawn.  
Clause agreed to.

Clauses 17 to 29 agreed to.

Clause 30 (Certain Provisions of Act 24 & 25 Vict., c. 109, applied to Solway Firth).

MR. W. EWART said, that some of his constituents had exercised the right of fishing for 300 years on the northern shores of Solway Firth, which the clause would deprive them of. Unless he obtained a guarantee that they would continue in the same position after the passing of the Bill as at present, he should oppose the clause.

THE LORD ADVOCATE said, chartered rights, or rights which rested on immemorial usage, were saved. It was quite out of the question to have one law applicable to one side of the Solway and another law to the other side.

MR. E. P. BOUVERIE contended that it was unjust to deprive these people of their property in the fishery without giving compensation.

Question put, "That the Clause stand part of the Bill."

The Committee divided:—Ayes 32; Noes 14: Majority 18.

Clause agreed to; as were the remaining Clauses.

THE LORD ADVOCATE then proposed an additional clause, providing that the River Tay should continue to be governed by the special Act, provided that the close-hours from twelve on Saturday

night to twelve on Monday morning were adhered to.

MR. D. ROBERTSON said, he did not see why the hours for the Tay should be different from the rest of Scotland.

*Clause agreed to.*

*House resumed.*

Bill reported; as amended, to be considered on Monday next, and to be printed [Bill 139].

House adjourned at half after Two o'Clock.

HOUSE OF COMMONS,

Wednesday, May 28, 1862.

MINUTES.]—NEW MEMBER SWEORN.—For Kidderminster, Luke White, esq.

PUBLIC BILLS.—2<sup>o</sup> Fisheries (Ireland); Juries; Elections for Counties (Ireland); Elections (Ireland).

3<sup>o</sup> Crown Private Estates.

FISHERIES (IRELAND) BILL.

[BILL NO. 47.] SECOND READING.

Order for Second Reading read.

MR. M'MAHON said, he rose to move the second reading of this Bill. Its object was to assimilate the fishery laws of Ireland to those of England, not only as to the inland, but the deep-sea fishing. The question which everybody would ask was, why, with a dearth of food on the west coast of Ireland, sometimes approaching to a famine, the Irish fisheries were so neglected by the Irish people. The Commissioners, who in 1836 had inquired into the subject, had remarked upon the anomaly that Scotch herrings were imported into Ireland while there were living shoals of the same fish on the Irish shores. Very large quantities of herrings were, in fact, brought every year into the country from England and Scotland, along with ling, cod, and hake, although, as Sir William Temple long ago said, the fisheries along the Irish coast presented a mine of wealth beyond any existing underground, and Arthur Young declared that next to land there was no manufacture or trade of half as much consequence to Ireland as her fisheries would prove to be if judiciously encouraged. This was a subject of great importance to England as well as to Ireland, for the English market would derive great advantage from the new supplies which would be forthcoming if

those fisheries were properly worked; and the Billingsgate dealers said that it was almost impossible to overstock the English markets with fresh fish. Various causes had been assigned for the neglect of the fishery. In 1849 a very eminent writer in the *Edinburgh Review* said that it arose from the peculiar social organization of the Irish, the Irishman being of such a nature that he would rather beg for a penny than work for a shilling. Again, M'Culloch attributed the cause to the minute subdivision of land; but the real cause was the bad laws which had so long existed in the country. There was no suggestion about the want of fish. Old Acts of Parliament showed that a great and profitable fishery used to be carried on upon the coast, so that the Irish fishermen used not only to supply the wants of their own countrymen, but to export largely to foreign countries. Thus, in 1734, they exported 21,000 barrels of herrings, importing none, while in 1834 149,000 barrels of herrings were imported into Ireland, and there was no export trade whatever. The destruction of the Irish fisheries had been caused entirely by the restrictions imposed by erroneous legislation, one of the most important of which was a provision in an Act passed in the year 1777, requiring that all nets and fishing lines should be covered with tar and oil. The Commissioners who inquired into the subject in the year 1835 reported that the exigencies of the fisheries in Ireland were almost entirely similar to those of English fisheries. In accordance with that opinion, the object of this Bill was to extend to Ireland the Bill which was last Session passed for England, to repeal the laws by which the Irish fisheries had been so seriously injured, to abolish all unnecessary restrictions, and to deprive the Commissioners of Fisheries of the power of making by-laws.

Motion made, and Question proposed, "That the Bill be now read a second time."

LORD FERMOY said, he felt an objection to the Bill in *limine*. Legislation on a subject of such importance ought not to be left in the hands of a private Member. In their last Report the Irish Fisheries Commissioners advised a consolidation of the law, and the introduction of some restrictions upon the use of stake weirs and bag nets, and they stated that a Bill was already drawn for the purpose. He want-

The Lord Advocate

ed to know what had become of that Bill. Scarcely anything connected with Ireland was take up by the Irish Government; and when they did take up anything, the practical result was to stifle discussion and effectually postpone any beneficial legislation. But as they had before them the Bill of the hon. and learned Member, they must deal with it. He thought that the hon. Gentleman had made a mistake in mixing up the deep-sea fisheries with the salmon fisheries, and that as they were very different questions, they ought to be dealt with in two distinct Bills. With regard to the deep-sea fisheries, he (Lord Fermoy) was one of those who thought that it was a bad system to encourage a feeling amongst the Irish people that they ought to look to the Government for support in all such cases as this, which would be better left to private enterprise. The old maxim was particularly applicable to the Irish people in those matters, namely, "Heaven will help those who help themselves." The Bay of Dublin was fished and the markets of Dublin were supplied by Cornish fishermen; and if Irishmen would apply their industry, capital, and intelligence in the same way, they would obtain the same profitable returns. With regard to the salmon fisheries, which formed the more important branch of the subject, it was proposed to sweep away all stake weirs and bag nets in the tidal waters and estuaries of Ireland. The best system of fishery was that which produced the largest amount of sound and wholesome fish without diminishing the future supply. He had ascertained that in 1861, up to the 27th of May, 3,647 baskets of salmon came from Ireland to Billingsgate Market. In the same period of 1862 the number of baskets was 5,183, being an increase of more than 30 per cent. If the majority of these fish were caught by bag nets and stake weirs, it only proved that they were brought to market in the best possible state, and that buyers appreciated the finer quality of the fish when caught nearest the salt water. But if they were not caught by bag nets and stake weirs, there was no case for destroying the right of property in them sanctioned by Parliament in 1842, and placed by law under certain limitations. The effect of the Bill would be to increase the profits of the proprietors of lax weirs at the expense of the proprietors of the stake weirs and bag nets, and to throw out of employment an immense number of

industrious and deserving men. He contended that it was a measure which, if brought in at all, should be brought in upon the responsibility of the Government, and to test the feeling of the House he would move that the Bill be read a second time on that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Question proposed, "That the word 'now' stand part of the Question."

COLONEL VANDELEUR said, if the Bill passed, it would inflict great pecuniary injury upon many persons who had engaged in the salmon fisheries. For them some compensation ought certainly to be provided, if the change proposed in the law were made. But the Bill made no provision for any such compensation, and he could not, therefore, give it his support. The contemplated destruction of the stake weirs and bag nets would not divide the fish more equally, but would simply give it all to the lax weir proprietors. The stake weirs and bag nets were recognized by the Act of 1842, and they were placed under the control of the Commissioners. There would be no objection to any modification of the regulations to which they were subject, if the Commissioners deemed any alterations to be necessary; but there was no pretence for saying that the produce of the fisheries had of late years diminished. On the contrary, he believed that since 1842 the fish had largely increased above the weirs, instead of diminishing. Such was especially the case with regard to the Shannon, with which he was well acquainted. It would, in his opinion, be cruelty to pass this Bill without a full inquiry being first had. As to the sea fishery, it had no doubt decreased; but that was partly owing, he believed, to the fish having changed their haunts, and partly to the obstinate opposition of the Irish fishermen. When trawling boats were introduced into the Bay of Galway, they had to be protected by revenue boats, owing to the determined opposition of the Claddagh fishermen. He hoped, if the Bill were read a second time, it would be referred to a Select Committee.

SIR EDWARD GROGAN said, he was glad the Bill had been brought before the House; but he felt that it had been introduced too late in the Session for practical legislation on the subject. He agreed with the noble Lord (Lord Fermoy), tha:

importance of the subject was so great that the Government ought to have taken it in hand. The noble Lord had used an argument which might be very fallacious. He had quoted the large increase of the supply of fish to the London market in proof of the fact that the stake weirs and bag nets did not interfere with the production of fish. That argument might prove the opposite; but whether it did so or not, it naturally suggested the inquiry whether such an enormous supply could be kept up without ultimately destroying the fisheries altogether. The preservation of the fish, and the development of the resources of the Irish waters, was a question of infinitely more importance than the claims of rival proprietors. He would suggest that the Bill should be sent to a Select Committee, in order that the whole question might be carefully investigated. He objected to the discretion allowed in the making of bylaws, as too wide.

SIR ROBERT PEEL said, he thought the suggestion of the hon. Baronet was worthy of consideration. The hon. Member for Wexford was not open to the reproach which the noble Lord the Member for Marylebone had applied to him, for he deserved the thanks of the House for the labour he had bestowed on the preparation of the Bill. But whenever the noble Lord made a speech in that House, he always attacked a Member of the Government, generally himself and the introducer of a Bill. The question was one of immense importance. There were boundless resources on the coast of Ireland, which were not available, owing to causes into which he need not then enter, and which required protection and encouragement. The Bill was certainly very voluminous; but considering the numerous and complicated interests involved, it was doubtful whether it could safely be compressed. The main question might be put into a very small compass. The hon. Member justly complained of the fixed engines on the coasts and at the mouths of the great rivers, which were productive of incalculable mischief. The obvious answer to the argument that the supplies of fish from Ireland had increased was, that if such an excessive rate of production were persisted in, it would probably lead to the destruction of the fisheries. He had received communications from Limerick and elsewhere in favour of the Bill, and his correspondents all joined in complaining of the use of bag and stake nets. It was quite true

that such nets were in a certain qualified manner legalized by the Act, and hon. Members who were interested in the employment of these engines of course opposed the Bill. He believed, however, that the bulk of the Irish Members were in favour of legislation on the subject. Repeated attempts to deal with the question had failed, yet the noble Lord blamed the Government for not taking it up. The truth was, that they had already so much business to attend to that they could not at present do justice to the subject. He thought it would be well to read the Bill a second time and to remit it to a Select Committee, before which evidence could be taken. They would have the Report of the Committee early next year, and would then be in a position to introduce a Bill which would have a reasonable prospect of success. The main points in the Bill were the abolition of fixed engines and the opening of Queen's gaps. The engines had been proved to be very injurious, and the opening of the gaps in certain cases had been attended with satisfactory results, as it enabled the fish to move about freely and encouraged them to fructify. The Solicitor General had expressed his opinion that the measure could, with certain amendments, be worked effectually, and the Chairman and several members of the Fisheries Commission also believed that it would be turned to practical account and deserved the support of the Government. For these reasons he supported the second reading, and hoped the Bill would then be sent to a Select Committee.

MR. GEORGE said, it was a matter deeply to be deplored, that as the Bill was of such importance in the opinion of the Government, they had not that Session introduced a measure of their own upon it. The fisheries of Ireland, whether sea or inland fisheries, were of paramount importance to Ireland. Out of the 122 clauses there were perhaps not more than three which could be said to be new, or to raise any serious question for the consideration of the House; but, as some clauses seriously affected vested interests, he should certainly give the Bill his opposition, unless he understood it was to be stringently examined by a Select Committee. He thought the most stringent measures should be adopted for protecting the fish in the upper waters of rivers, for it was there, in his belief, that the great destruction of fish took place.

*Sir Edward Grogan*

MR. CALCUTT observed that he would support the second reading of the Bill, on the understanding that it was to be referred to the Committee.

MR. LONGFIELD said, he had not heard a single reason why the Bill should not be read a second time. It was said that one clause of the Bill destroyed rights created by a former Act, the 5 & 6 Vict. That Act gave a qualified sanction to stake weirs; but a proviso to one of the sections of the Act reserved all the rights of fishing on the part of the Crown and the public. It had been laid down in a judgment of Baron Pennefather, in Ireland, that the erection of fixed engines in fishing waters was a violation of Magna Charta, which provided that fishing in all estuaries should be free to the public at large. They remained as illegal as they were before the previous Act. The present Bill consolidated the fishing laws, both as it related to the inland and deep-sea fishing; and it contained two admirable provisions, destroying the stake weirs, and enforcing the construction of free gaps in the fishing weirs, that would be of the utmost possible benefit by increasing the supply of salmon. He believed, if the Act were passed, the Black-water, one of the finest rivers in the empire, would be teeming with salmon; whereas at that moment it was almost hermetically sealed by weirs and other fixed engines. He hoped the House would not refuse to read the Bill a second time because some of the clauses were opposed by certain proprietors.

MR. H. A. HERBERT said, he must admit the importance of the subject, but he could not concur in the censure passed on the right hon. Secretary for Ireland, for the alleged neglect of the Government in not bringing forward a measure of its own. In common justice the right hon. Baronet must be absolved from blame; his industry during the present Session deserved all praise; indeed, he had shown rather an over-anxiety for legislating than any neglect. He was glad the Government had not brought in a Bill on the subject of the Irish fisheries in this Session, and that the question had fallen into the able hands of the hon. Member for Wexford. Not only what had passed during the debate, but what was passing out of doors, showed that they had not sufficient information to enable them to legislate. Before they did so there ought to be a searching investigation into the subject,

and that inquiry would be made by the Committee. Most of them had received numerous communications as to the state of the Shannon. They were told that the existence of bag nets and stake nets were destroying the fishery. But in the Appendix to the Report of the Fishery Commission for Ireland it appeared from the answers given to a circular issued by the Commissioners, that in the Shannon, the river where they were told the fishing was being destroyed, it had improved, and that the prospects of a further improvement were very good. This was the answer given to the Commissioners by the Conservators of Limerick. It was a startling contradiction to what they had heard, and he could come to no other conclusion but that an inquiry was necessary. He thought that the interests that had sprung up under the Act of 1842 were too extensive to be dealt with in a summary manner; they ought to have an opportunity of stating their case before they were deprived of what they conceived to be their rights and privileges. At the same time, he thought that the exercise of these rights and privileges had much deteriorated the fishery. The hon. Member for Wexford said that great injury was done by the destruction of spawn in the upper parts of the Shannon. That might be; but it should be remembered that the owners of the upper part of the river had been deprived of their interest. The lower proprietors would always have the lion's share, but the upper proprietors ought to have their due share. He trusted that next year Government would bring in a measure founded on the present measure, and modified by the result of the inquiry before the Select Committee.

MR. WHITESIDE said, he agreed with the right hon. Member as to the propriety of referring the Bill to a Select Committee; but he did not concur with him in thinking nothing ought to be done till next year. He believed the Committee would come to a decision that might be acted on that Session. It was more easy to introduce Bills than to carry them. And the right hon. Baronet would not be just to himself if he left himself without the assistance of others. A Bill might be carried in that Session that would save himself the labour of introducing one.

MR. MONSELL said, he concurred with the opinion of the right hon. and learned Member for the University of Dublin (Mr. Whiteside). It was of the

greatest possible importance that there should be some legislation during that Session. The proper course would be to refer the Bill to the Select Committee ; and when it had been well considered there, then the right hon. Baronet might take charge of it, and pass it with the influence of the Government. It had been shown distinctly by the evidence of Mr. Fennel that the fisheries were becoming much more unproductive than they formerly were, and it was very unfortunate that a qualified sanction had been given to the existence of stake and bag nets in 1842. At the same time it would be very unjust to take away the power of fishing from the proprietors of the Lower Shannon for the mere purpose of increasing the revenues of the lax weir at Limerick.

MR. BRADY said, he must insist on the necessity of legislation during that Session. The objection to Bills in the hands of private Members was a stereotyped one, with which he had been familiar ever since he entered the House.

MR. VINCENT SCULLY said, the state of the House sufficiently showed that the subject was "a fishy one." His noble Friend the Member for Marylebone was not, he thought, open to the attack made upon him by the Chief Secretary for Ireland ; but, at the same time, that right hon. Gentleman could not be charged with any unwillingness to take charge of Bills. At the present moment he had the conduct of fourteen Government Bills relating to Ireland exclusively. There were fifteen others in the hands of private Members, and every day and night brought forth a fresh one. All these measures related exclusively to Ireland, he supposed with a view of consolidating the Union between the two countries.

SIR ROBERT PEEL said, there were only eleven Government Bills relating to Ireland at present before the House.

MR. VINCENT SCULLY said, he supposed two or three must have gone to the House of Lords. The Bills which still remained in the hands of the right hon. Gentleman, were used night after night as "fixed engines" for the torture of Irish Members, and he did not wish to arm the Chief Secretary with any others. He very much wished that some means could be devised for reconciling the different interests affected by the present Bill ; but, as far as he could see, the contest resolved itself into one between the proprietor of the lax weir at Limerick

*Mr. Monseal*

and the agent of Colonel White's property on the river itself. The hon. and gallant Gentleman, though he had failed in one competitive examination in Ireland, had succeeded at his second in England. He might, therefore, be certain that his interests would be properly attended to.

MR. BLAKE said, he had witnessed the disastrous effects of fixed engines on the fishing both of the rivers Suir and Barrow. He thought the noble Lord the Member for Marylebone must have listened to idle stories about the misconduct of the present proprietor of the lax weir at Limerick. He could assure the House that the statements about "crocodiles" and "stuffed otters" having been sunk to scare away the fish were altogether unfounded as far as that gentleman was concerned.

LORD FERMOY explained that the statements which he had made were founded on the Report of the Fishery Commissioners. He was quite satisfied with the debate which had taken place, and, with the permission of the House, would withdraw his Amendment.

Amendment, by leave, withdrawn.  
Main Question put, and agreed to.  
Bill read 2<sup>d</sup>, and committed to a Select Committee.

#### JURIES BILL—[BILL NO. 86.] SECOND READING.

Order for Second Reading read.

MR. HUNT said, he thought a great deal of the cumbrous machinery by which lists of jurors were at present made out, and jurors themselves summoned, might be got rid of if the agency of the Post Office were more extensively used. The object of the Bill was to provide that clerks of the peace, instead of issuing warrants for the high constable to take precepts to the parish officers, should themselves forward these through the post as registered letters to the parish officers ; and in like manner, when the lists were allowed by the magistrates at Petty Sessions, that the magistrates' clerk should return them to the clerk of the peace without the intervention of the high constable. The other object of the Bill was to dispense with the heavy outlay entailed upon the sheriff in having to employ a staff to leave summonses at the houses of jurors. That object it was sought to accomplish by following the precedent contained in the Registration Act, under which proof of

the service of an objection was allowed if the party forwarding it by post had taken it to the postmaster, and required him to stamp both the objection and the duplicate. That Act had been in force for the last twenty years, and he had never heard any complaints of hardship inflicted on persons who had been struck off the roll without sufficient notice.

MR. HENLEY said, he did not object to the Bill being read a second time, as he understood the Committee was to be postponed till towards the end of June, which would give sufficient time for the consideration of the subject. The merits of the first portion of the Bill consisted to a great extent in the amount of the saving which would be effected, and on that point he was not prepared to offer any opinion, as he did not know what the expenses of the existing system were. But he entertained considerable doubt whether it would be safe to impose fines upon an absent jurymen, on the assumption that the letter containing the summons had been duly delivered. Under the present system it very often happened, though there was no appearance, that the returning officer had it in his power to state mitigating circumstances which had come to his knowledge.

MR. WHITESIDE said, he thought it would be a hard measure to fine jurymen under the circumstances contemplated by the Bill, seeing that they were sufficiently punished in being kept away from their business. He should not, however, oppose the Motion; but he would take that opportunity of expressing his belief that a good Jury Bill on the principle of rating would be a very desirable measure.

*Motion agreed to.*

Bill read 2<sup>o</sup>, and committed for Wednesday 25th June.

#### ELECTIONS FOR COUNTIES (IRELAND)

BILL—[BILL No. 115.]

SECOND READING.

Order for Second Reading read.

MR. AGAR-ELLIS said, he rose to move the second reading of the Bill. Its object was to limit the time for polling at elections in Ireland to one day, and thus assimilating them to the time in England. In order to accomplish that object he would propose to increase the number of polling-places, which did not exceed one for each barony. That part of the Bill, however, would be permissive only. He saw no reason why the expenses of the altered system should exceed the present.

MR. HENNESSY said, he was afraid that the Bill would not lead to a diminution of expense and inconvenience in the Irish counties. The erection of additional polling-places would lead to a new outlay; and Ireland was not supplied, like England, with an extensive network of railway communication, which could most readily secure the success of such a measure.

COLONEL FRENCH said, that the argument of the hon. Member for the King's County, founded on the non-existence in Ireland of a network of railways, was not applicable, as it was proposed by the Bill to increase the number of polling-places.

MR. LEFROY said, he believed that lessening the duration of elections in Ireland would have the effect of doing away with some of the excitement that prevailed at those elections.

MR. VINCENT SCULLY remarked, that under the Bill the increase in the number of polling-places would be made on the petition of magistrates to the Lord Lieutenant. He thought that such a step should be taken only on the joint application of the sitting Members; or, at all events, that the sitting Members should have a veto on the application.

MR. GEORGE said, he had no objection to shortening the duration of county elections in Ireland; but a machinery already existed for increasing the number of polling-places in cases where it was necessary to do so.

SIR GEORGE GREY said, he had no doubt that the limitation of the polling to one day would prove beneficial in Irish counties, as it had in English. If the existing law afforded sufficient facilities for increasing the number of polling-places, the clause to effect that object might not be necessary; but that point could be settled in Committee.

*Motion agreed to.*

Bill read 2<sup>o</sup>, and committed for Tuesday next.

#### ELECTIONS (IRELAND) BILL.

[BILL NO. 116.] SECOND READING.

Order for Second Reading read.

MR. AGAR-ELLIS, in moving the second reading of this Bill, said, that its object was to limit the time which should elapse between the receipt of the writ and the holding of an election in Ireland.

*Motion agreed to.*

Bill read 2<sup>o</sup>, and committed for Tuesday next.

JUDGMENTS LAW AMENDMENT (IRELAND) BILL AND LAND DEBENTURES (IRELAND) BILLS.

NOMINATION OF COMMITTEE.

MR. VINCENT SCULLY said, he rose to move that the Select Committee on the Judgments Law Amendment (Ireland) Bill, and the Land Debentures (Ireland) Bills, do consist of nineteen Members; and that Mr. M. O'FERRALL, Sir EDWARD GROGAN, and Colonel GREVILLE be added to the Committee.

MR. WHITESIDE said, he should oppose the Motion. He thought sixteen Members were an amply sufficient number to form the Committee on the Bill.

MR. VINCENT SCULLY said, he was surprised at the opposition of the right hon. and learned Gentleman. He should be glad if the right hon. and learned Gentleman would himself take charge of both the Bills; and as he (Mr. Scully) had charge of one of them, he was surprised that his proposal was objected to. He thought that the addition of these three Gentlemen's names would be found useful.

Motion made, and Question put,

"That the Select Committee on the Judgments Law Amendment (Ireland) Bill and the Land Debentures (Ireland) Bills do consist of nineteen Members."

The House divided:—Ayes 39; Noes 61: Majority 22.

MR. VINCENT SCULLY asked, that his name might be struck off the hon. and learned Member's Committee.

House adjourned at a quarter after Five o'clock.

HOUSE OF COMMONS,

*Thursday, May 29, 1862.*

MINUTES.]—PUBLIC BILLS.—1<sup>o</sup> Ballot at Municipal Elections.

2<sup>o</sup> Jurisdiction in Homicides; Rifle Volunteer Grounds Act (1860) Amendment; Artillery Ranges; Sandhurst Vesting; Discharged Prisoners' Aid.

WRECK OF THE "MARS" STEAMER.  
QUESTION.

MR. DUDLEY FORTESCUE said, he would beg to ask the Secretary of State for the Home Department, Whether his

attention has been called to the fact, as alleged, that no inquest has been held on any of the bodies washed ashore on the coast of Pembrokeshire, from the wreck of the *Mars* steamer in April last; and that no official inquiry has been instituted into the causes that led to that disaster?

SIR GEORGE GREY in reply said, he had written to the coroner to ascertain why no inquests had been held, and the reply was that there were very few survivors, he believed six, and that they had all left Pembrokeshire before the bodies of those who had been drowned were washed ashore; and as no evidence could be submitted to a jury beyond the fact of the bodies having been found, it was not thought worth while to empanel a jury to verify that which was a notorious fact. With regard to an official inquiry, he believed that among the six survivors, there was no one qualified to give an opinion as to the management of a ship.

AFFAIRS OF CENTRAL ASIA.

QUESTION.

MR. DARBY GRIFFITH said, he would beg to ask the First Lord of the Treasury, Whether, on the conclusion of the last Persian war by the evacuation of Herat by the Persians, Ahmed Jan, the Sultan or Ruler of Herat, did not acknowledge the sovereignty of the Shah by performing allegiance to him, and having the coinage struck in the name of the Shah; whether it is not the case that this same Sultan of Herat, either with or without the assistance of Persian troops, is now marching on Candahar, that the sons of Dost Mohammed of Caubul, are marching against him, and that there are imminent probabilities of war breaking out in those regions; and whether, in case of the occurrence of such hostilities, it will be the intention of Her Majesty's Government, or of the Indian Government, to intervene in any way either for or against any of the powers of Central Asia, or to extend any operations designed for the security of India beyond the limits of the great mountain passes which form the present frontier of that country?

VISCOUNT PALMERSTON said, in reply, that the relations between the British Government and that of the Shah of Persia, with regard to Afghanistan, are regulated by the Treaty concluded between Great Britain and Persia in March 1857, on the conclusion of the war. By that Treaty the Shah of Persia engaged to abstain from

making any claim to sovereignty over Herat, and not to require any of those things to be done which in the East are considered as tokens of submission to a higher power. The Shah also undertook by the same Treaty not to interfere in any way with the affairs of the States of Afghanistan; and if any differences arose between him and those States, to seek the good offices of the British Government. On the other hand, the British Government undertook to use those good offices with the States of Afghanistan, to prevent them from in any way giving offence to the Shah of Persia; and if any differences should arise, Great Britain would interpose in a manner just and equitable both to the Government of the Shah of Persia and the Affghan States. As to any acts that may have been done by the ruler of Herat, implying allegiance to the Shah, before the Treaty of 1857, that Treaty has annulled and swept them away. With regard to the present state of affairs, I believe the ruler of Herat has marched on and taken possession of the town of Furrah, as to which there has been a dispute for some time between him and the Affghans. In doing so, I believe his forces did advance towards Candahar, and that some engagement did ensue. But all these transactions have taken place between different States of Afghanistan itself, and we have no reason to believe that any Persian troops were engaged in them.

MR. DARBY GRIFFITH said, the noble Lord had not answered the question as to whether it would be the intention of Her Majesty's Government to intervene in any way either for or against the powers of Central Asia, or to extend any operations designed for the security of India beyond the limits of the great mountain passes which form the present frontier of the country.

VISCOUNT PALMERSTON : These disputes are between different States of Afghanistan; and I do not apprehend there is any reason for Her Majesty's Government interfering in them. If the security of India is threatened with any invasion from Afghanistan, then the Government of India will take such measures as the circumstances render necessary.

#### THE MURDER OF MR. THIEBAULT.

##### QUESTION.

MR. VINCENT SCULLY said, he wished to ask the Chief Secretary for Ireland, Whether any, and how many,

extra Police are or will be stationed at or near the spot where the late Mr. Thiebault was murdered; what is the estimated cost of such extra force, and will it be charged on the occupiers of any, and which particular townlands?

SIR ROBERT PEEL said, the Government had sent down ten extra policemen to the locality where Mr. Thiebault was assassinated. The estimated cost of each man was £35 per annum, payable in advance. As long as these men were stationed there, the cost of their maintenance would be charged on the townlands in the vicinity; but of course the townland of Rockville would not be charged, because it was the property of the brother of the murdered man.

#### DEFENCE COMMISSION.—QUESTION.

MR. GREGORY said, he would beg to ask the Secretary of State for War, If the Evidence taken before the Defence Commissioners will be laid before the House, together with the Report; and, if not, when that Evidence will be laid on the table?

SIR GEORGE LEWIS said, the Report was presented without the Evidence, because it was assumed the House would wish to see that Report without delay. But the Evidence was in the hands of the printer, and would be ready to present in a few days.

#### FRENCH AND ENGLISH IRON-CASED VESSELS.—QUESTION.

MR. LINDSAY said, he would beg to ask the First Lord of the Treasury, If he has any objection to lay upon the table of the House a Return of the number of Iron-cased Vessels built and building, or in course of conversion, for the use of Her Majesty's Navy; and a Copy of the List in the possession of Her Majesty's Government, of the thirty-six Iron-cased Ships said to be built or building for the Government of France, with the state of progress and tonnage of each vessel, as far as practicable, and in both cases distinguishing sea-going ships from floating batteries?

VISCOUNT PALMERSTON : There can be no objection, Sir, to laying on the table of the House a Return of the number of Iron-cased Vessels built and building, or in course of conversion, for the use of Her Majesty's Navy, when they were launched or when they were expected to be launched, as far as the

Admiralty can furnish that information. With regard to the iron-clad ships in the French service, there will also be no difficulty, I believe, in laying before the House, from the Foreign Office documents, the number and names of ships which are built and building, and the place where those ships were launched. With regard to the particular state of progress of each vessel, I am not sure we have the means of giving such details. Perhaps the French documents may give the time when those that are not yet launched may be expected to be launched.

MR. LINDSAY said, he wished to know if it were the case that a special document was given by the French Government to Lord Cowley, with the request that Captain Gower, the naval aide-de-camp to the Embassy at Paris, might go and examine for himself? If the noble Lord had any such document, would he lay it on the table of the House?

VISCOUNT PALMERSTON: I have no doubt, if Captain Gower applied for permission to visit the French arsenals and dockyards, no difficulty would be thrown in his way, and that every facility would be given to him. But I am not aware that any such document as that alluded to by the hon. Member has been given to Lord Cowley.

#### SUPPLY OF IRON FOR THE NAVY.

##### QUESTION.

LORD RICHARD GROSVENOR said, he wished to ask the Secretary to the Admiralty, Whether, considering the great importance which attaches to the quality of iron, both for building and for plating ships, the Government proposes to take any new steps for securing a supply of iron for the purposes of the Navy of the best quality?

LORD CLARENCE PAGET said, the question of the noble Lord was one of considerable importance, and he would endeavour to state what the Admiralty was doing in respect to the iron for the supply of the Navy. Hitherto the contracts for iron had been of a very simple description; but as they had progressed with building iron ships, and especially iron-cased ships, the Admiralty thought fit to take into their consideration the best means of obtaining the best quality of iron, and they had, with a view of issuing fresh contracts, given notice to close all their contracts for iron; and they were going to call together

*Viscount Palmerston*

some of the most eminent men who were acquainted with the various qualities of iron to assist them in preparing a scheme by which they might issue tenders for contracts, giving minute details as to strength of iron, and the various qualities required for plating vessels, and for iron yards and masts, and stating the test that would be applied, and he might say that the test they meant to exact would in no case be departed from. He trusted that in the course of the autumn they would be prepared to issue tenders, which would open the trade as far as possible with a view to getting the best quality of iron for shipping purposes.

#### NATIONAL BOARD OF EDUCATION (IRELAND).—QUESTION.

MR. WHITESIDE said, he wished to ask the Chief Secretary for Ireland, Whether any rule has been framed by the National Board of Education in Ireland which permits the use of prayer at the opening of a school and during school hours, or the posting of the Ten Commandments in the School?

SIR ROBERT PEEL said, in reply, that he was sorry to find that the right hon. and learned Gentleman was not well acquainted with the rules of the National Board. If he referred to Rules 12, 14, and 16, he would find that they permitted the use of prayer at the opening of the school and during school hours, after the ordinary school business was closed. The managers of the schools were not required to exclude children during the time of prayer, but all the children had full power, by the intimation of the wish of their parents and guardians, to withdraw from it.

MR. WHITESIDE said, he wanted to know whether, if ten o'clock was the hour for the school to commence, there would be prayer after that hour?

SIR ROBERT PEEL said, he had already stated that the school could be opened and closed with prayer, and the Ten Commandments might be posted in the schoolroom.

#### COMPETITIVE EXAMINATIONS. QUESTION.

MR. HENNESSY said, he would beg to ask the First Lord of the Treasury, Whether the Government have taken any steps to carry out the recommendation of the Select Committee on Civil Service Ap-

pointments, to the effect "that the experiment of open competition for junior clerkships, tried at the India Board in 1859, be repeated from time to time in the other departments of the Civil Service?"

VISCOUNT PALMERSTON said, the present arrangement for competitive examinations was this—that the candidates for each examination were in the first place examined upon a standard test, to see whether they had what might be called a *minimum* of the acquirements necessary for the appointments for which they wished to compete. The usual practice then was to select three candidates for every vacancy, who were subjected to competitive examination. It was not intended by Her Majesty's Government to widen that range of competition, and he thought there were good reasons for that determination. If the competition was thrown open to all comers, the result would be that for ten vacancies, instead of thirty, there would be 300 candidates, and there would be spread over a still wider surface the disappointment which was the inevitable consequence even of the limited competition which the Government had established. He thought, that although the disappointment was an evil, the advantages of competition predominated, and that the effect of appointing three candidates to compete for every vacancy was to benefit the public service. But he thought it would be very hard if they allowed a whole troop of young men to come up for competition, and subjected the greater number to inevitable disappointment, besides diverting their minds from other occupations and pursuits in life, where they would find profitable employment and a useful career.

MR. WARNER said, he wished to ask whether the two unsuccessful candidates could compete for the next vacancy?

VISCOUNT PALMERSTON said, that would depend upon the discretion of the head of the department where the vacancy occurred. If there was reason to think that they were well qualified, although not so qualified as the one who had gained the first place, they might be allowed a second trial, but they had no right to claim it.

#### THE DERBY DAY AND WHITSUNTIDE. QUESTION.

MR. WALPOLE said, he wished to ask, When the House was likely to adjourn for the Whitsuntide recess?

VISCOUNT PALMERSTON said, he thought it was usual not to sit on the next Wednesday, and therefore they would adjourn from Tuesday to Thursday. There would then be only one remaining day before Whitsuntide, and that was usually more a Volunteer day than anything else. He should propose, therefore, that the House adjourn from Thursday day the 5th to Thursday the 12th of June.

#### POOR RELIEF (IRELAND) (No. 2) BILL.

[BILL NO. 15.] COMMITTEE.

Order for Committee read.

House in Committee.

#### Clause 9 (Relief to Orphans and Deserted Children).

MR. HENNESSY said, he rose to move an Amendment which would have the effect of preventing guardians of the poor receiving and keeping in the workhouses orphan and deserted children under two years of age. He rested his case upon the statement of the right hon. Gentleman the Chief Secretary, that 47 per cent of such children died every year, while the mortality in the same class of children out of the workhouses was only 16 per cent, thus showing that 31 per cent of these poor children were killed by law in the Irish workhouses. The Amendment was also sanctioned by the precedent of the noble Lord the Member for Cockerermouth (Lord Naas), who, in 1858, proposed a similar prohibition, only he included all children under six years of age, instead of those under two. The right hon. Gentleman the Chief Secretary estimated the cost of rearing the children out of the workhouse at about the same as that of rearing them in the workhouse, and therefore there could be no objection on the ground of expense.

Amendment proposed,

In page 5, line 3, after the word "Enacted," to insert the words "that no orphan or deserted child shall be maintained in a workhouse until after the age of two years."

SIR ROBERT PEEL said, it was impossible to agree to the Amendment, as it would clearly lead to a great sacrifice of human life.

LORD NAAS said, he approved the object of the Amendment, but, at the same time, he was of opinion that the children must be received into the workhouse for some limited time, until the services of an outdoor nurse could be secured. The evils of putting infants into workhouses

were so great that Parliament was justified in prohibiting the practice. All statistics proved that workhouses were not fit places for the proper nurture of very young children, who were often taken there in a very weak state, and therefore required great care and attention. If a child was put out to nurse, it would naturally assume the religion of the person to whose charge it was confided, and by adopting that plan the religious difficulty would practically be got rid of. That was the course which was followed with success under the grand jury system.

MR. VINCENT SCULLY said, he was afraid the unfortunate question of religion would arise, unless the Amendment was so modified as to render it imperative upon the authorities to place the child with a nurse of the same religion as itself.

MR. BRADY said, in the interests of humanity, it was absolutely necessary that children of a tender age should not be kept in the workhouse, where, from want of pure air and exercise, the mortality amongst them was very great.

LORD JOHN BROWNE said, he did not see how the suggestion of the noble Lord would overcome the religious difficulty. There would be the same question at the Board as to the religion of the nurse as there was as to that of the child. There was this objection to the proposed arrangement—that a mother might be induced to send her child to the workhouse in the hope of being afterwards paid for nursing it outside.

MR. VANCE said, he did not regard this as a religious question at all. He thought that it would be much wiser to leave the question of maintaining the child inside or outside the workhouse to be decided at the option of the guardians. It would, in his opinion, be extremely dangerous to make it compulsory to remove all children from the workhouse.

MR. H. A. HERBERT maintained that in the workhouses every provision was made for the sanitary welfare of the children who were inmates. He had the greatest objection to making it compulsory on the guardians to send out the children, and held that it should be left to their discretion.

MR. MONSELL said, he was afraid he could not entirely concur with his right hon. Friend who had just spoken. No doubt in many unions the guardians did

their best to bring up the children under their care; but from the report of Dr. Hancock, it appeared that in the best-circumstanced workhouses the mortality of children was double the average mortality of children in the United Kingdom, while in some of the worst-circumstanced places, such as Dublin, it was four times as great. In the workhouses of Ireland generally the mortality of infants was three-and-a-half times more than that of the country at large. There had never been any difficulty under the old grand jury system in placing out children to nurse, and in France the whole of the foundlings were thus dealt with, and dealt with, too, with great success. He thought, therefore, that the Committee would do well to accept the Amendment, and thus give those poor children three-and-a-half times as good a chance of life as they would have in the workhouse.

SIR EDWARD GROGAN denied there was any analogy in the case of pauper children in Ireland and the *enfants trouvés* in France. In Ireland there was no machinery for carrying out such a plan as the hon. Member for the King's County proposed. If they meant to save those children from destruction, they must admit them into the workhouse, and thus place them under the care of a responsible authority.

COLONEL DICKSON remarked, that as he understood him, his hon. Friend the Member for the King's County did not mean to remove the children altogether from the jurisdiction of the workhouse authorities.

MR. HENNESSY said, his hon. and gallant Friend was quite right. He would quote the highest authority as to the state of the workhouses. The Poor Law Commissioners in one of their Reports said—

"We beg to draw attention to the great difficulty of rearing infant children who are admitted into the workhouse under two years of age without their mothers, and to the great mortality which prevails among those children. It is quite impossible to procure for them in the workhouse that kind of substitute for maternal care which is necessary for them at that age."

LORD JOHN BROWNE said, he did not object to putting children out to nurse, as a general rule. What he objected to was, that the regulation should be made under all circumstances compulsory. No doubt the mortality of pauper children would always be very high, considering the hardship and exposure which they suffered before they were brought to the union.

MR. COGAN said, he saw no objection to the admission of the children into the workhouse until nurses were found for them. He would, therefore, suggest that the word "received" should be omitted, so that the Amendment might run—"No orphan or deserted child shall be maintained in a workhouse until after the age of two years."

MR. MCCANN said, that in order to induce some guardians to put children out, it was necessary that the law should be compulsory.

SIR BALDWIN LEIGHTON said, that the experience of England had been against outdoor nursing. If it were made compulsory, children would often, in point of fact, be nursed by their own mothers or near relatives at the expense of the union.

MR. MAGUIRE said, he should support the Amendment.

SIR HERVEY BRUCE said, he thought that it would be sufficient to leave the matter to the discretion of the guardians.

MR. H. A. HERBERT said, the question was not between a nurse and the mother, but between two hirelings—a nurse inside the workhouse and a nurse outside.

MR. O'BRIEN said, he wished to ask whether the Government had not received from some eminent medical men in Dublin an expression of opinion in favour of the Amendment?

SIR ROBERT PEEL replied that he had received no such communication.

SIR EDWARD GROGAN said, that the Report of the Commissioners stated that the mortality among children under two years of age must be great, whether they were brought up within or without the workhouse. If the Amendment was adopted, how was the expense to which it would give rise to be provided for?

MR. POLLARD-URQUHART said, he would admit that it was preferable that children should be brought up out of the workhouse; but he did not wish to interfere with the discretion of the guardians, or with their power to apply that sort of workhouse test to mothers who might be anxious to abandon their children.

MR. HENNESSY said, he would consent to omit the words "received into" from his Amendment.

Question put, "That those words be there inserted."

The Committee divided:—Ayes 33; Noes 177: Majority 144.

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SIR EDWARD GROGAN said, the clause empowered the board of guardians to provide for the relief of any orphan or deserted child out of the workhouse, if they should think fit to do so, by "placing such child out at nurse or otherwise, according to their discretion." He objected to the words "or otherwise," which were not very intelligible, and he therefore would propose that they should be omitted. Their insertion might enable the board of guardians to send young children to institutions outside of the workhouses where large numbers were congregated together, so that the same evil would arise as if they were crowded together in the workhouse.

Amendment proposed, in lines 6 and 7, to leave out the words "or otherwise."

SIR ROBERT PEEL said, he believed there were excellent institutions in the north of Ireland and elsewhere, to which it was desirable that the board of guardians should have the discretionary power of sending children up to five years of age, not exactly to be nursed, but to be taken care of. It was therefore desirable, with that view, to retain the words "or otherwise."

LORD NAAS said, he was rather alarmed at the statement of the right hon. Baronet. If children were not to be taken into the workhouse, they ought to be given to the care of nurses. He decidedly objected to the children being sent to the establishments referred to by the right hon. Baronet. To give the power to do so would be a serious departure from the main principles of the Poor Law, which he hoped the Committee would not sanction.

MR. O'REILLY said, he thought there ought to be some provision to enable boards of guardians to dispose of children above one or two years of age, but under five. There were institutions in Ireland peculiarly adapted for taking care of such infants as were above the age of maternal nurture.

MR. VANCE said, he feared that such a provision would create discord and dissension among the guardians, some of whom would be for sending the children to one kind of institution, while others would have a partiality for a different one.

MR. MONSELL remarked, that the House unanimously decided two evenings since that the English guardians should have the power of sending children to institutions up to the age of sixteen. Ho

could see no reason why the same course could not be taken with regard to Ireland.

SIR EDWARD GROGAN observed, that the reason urged before the Committee upstairs for sending children out to nurse, was that it would be better for their health. When their nursing was over, they ought to come back to the workhouse. His objection to placing children in institutions was that they would not be under the control of the guardians.

MR. M'EOY said, he hoped the Committee would retain the words.

MR. MCCANN said, that in the case of the English children the only question raised was as to whether the provision should extend to the age of sixteen, or not apply to children over fourteen.

LORD NAAS remarked, that in the English Bill there was a provision that the schools should be open to inspection, and be certified by the Poor Law Board. There was no such safeguard in the Bill under discussion with respect to the institutions in Ireland.

MR. HASSARD said, he thought that the words in question would defeat the object of the Select Committee.

MR. MAGUIRE said, he was of opinion that the words ought to be retained. There might exist in Ireland at present, or there might spring up hereafter, institutions to which it would be desirable to send orphan children when they left the nurses to whom they had been confided.

SIR HUGH CAIRNS said, he had no doubt, that if the words were retained, there would be no want of institutions such as those to which the hon. Member (Mr. Maguire) had referred, and that a new crop of poorhouses would spring up in Ireland.

MR. BRADY said, he hoped that the right hon. Gentleman would persevere with the clause. If the guardians should commit themselves by improper conduct, their constituents would have power to turn them out.

LORD FERMOY said, that the great difficulty with pauper children was to get them absorbed in the rest of the population. Most people would prefer to take a young woman as a servant from a religious institution rather than to take her from a workhouse.

MR. VANCE said, he would recommend the words to be omitted, in order to prevent the occurrence of disputes.

*Mr. Monsell*

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided:—Ayes 127; Noes 76: Majority 51.

MR. VINCENT SCULLY said, he proposed to insert a proviso, which would limit boards of guardians in their choice of persons to whom the children should be intrusted to the selection of those who were of the same religion as that in which the children were registered.

MR. DARBY GRIFFITH said, he should oppose the Amendment. In a district where the bulk of the population were Roman Catholics, it might be difficult to find a Protestant nurse; and in a Protestant district it would be equally difficult to find a Roman Catholic nurse.

LORD NAAS said, that after the important decision to which the Committee had just come, it would be right to know from the Government how far those children were to be supported out of the rates, and also whether it was intended to assimilate the clause as it now stood to the clause relating to English children which had been carried a few nights ago. He thought that the Government ought to undertake to bring up clauses, providing that the institutions in Ireland to which the children might be intrusted ought to be put under the same restrictions with regard to inspection and other matters as those of England. Until some such intention was announced, the discussion of the clause ought to be deferred.

THE CHAIRMAN said, the subject before the Committee was the Amendment proposed by the hon. Member for Cork.

MR. WHITESIDE said, he thought, with all deference to the hon. Gentleman, that a discussion might now very properly arise upon the questions put by his noble Friend.

THE CHAIRMAN: The debate is restricted to the Amendment proposed by the hon. Member for Cork.

MR. H. A. HERBERT said, he hoped that the proposal of the hon. Member for Cork would be adopted by his right hon. Friend (Sir Robert Peel). The principle was one which nobody could have the slightest hesitation in supporting—namely, to provide an additional security that there should be no attempt at proselytizing. The Committee would do an outrageous thing not to support it.

MR. CONOLLY said, it was totally

wrong that so large a question as that upon which the Committee had just divided should be decided by a sort of side-wind upon the mere adoption or rejection of the simple words "or otherwise." If the institutions to which reference had been made were to be recognized, the recognition ought to take place only after the adoption of a specific motion made for the purpose; though he questioned whether such an object came within the scope of the Bill, which was a measure for amending the Poor Law in Ireland, and not for establishing a number of orphan asylums. The decision just come to would introduce an element of strife into every board of guardians in Ireland. He was sorry that the right hon. Baronet had been led into a trap; but the question could not rest as it stood.

SIR ROBERT PEEL observed, that though the hon. Gentleman stated that the words "or otherwise" were introduced into the Bill by a sort of side-wind, they had from the commencement formed part of the Bill as printed, which had been upon the table of the House for some time. He had acted, as he thought, fairly between the two great religious parties in Ireland, and he disclaimed the notion of pandering to the feelings either of one class or of the other. He thought the provision was a wise one to adopt in reference to children up to five years of age, and it was not proposed for educational purposes, but for sanitary purposes only. As for making use of the Poor Law for the object of preparing the way for the establishment of Roman Catholic orphan asylums in Ireland, he disclaimed any such intention, and he was willing to accept the entire responsibility of the clause. With regard to the larger question which the noble Lord stated was raised by the retention of the words, he should be prepared to meet it when the proper time arrived for its discussion. The provision adopted in respect to England, to which allusion had been made, had reference to the education of pauper children up to fourteen years of age, and was entirely different in principle from the enactment in the present Bill, which provided for the relief of children not more than five years old out of the workhouse, on sanitary grounds only. He was willing to agree to the Amendment moved by the hon. Member for the county of Cork.

SIR EDWARD GROGAN said, he could

assure the right hon. Baronet, that whatever might be his intention, he had provided for the establishment all over Ireland of Roman Catholic orphan institutions which would be used for proselytizing purposes; and he wished to know whether the ratepayers were to sustain those institutions. In order that the right hon. Baronet might have an opportunity of giving an explanation of the meaning of the clause, he would move that the Chairman should report progress.

Motion made and Question proposed, "That the Chairman do now report Progress."

MR. WHITESIDE said, that Members on that side of the House were disposed to give the right hon. Gentleman every assistance in passing the Bill; but a Minister of the Crown was bound to give the necessary explanations. They wished to know distinctly how the orphan institutions which might arise were to be supported. Were boards of guardians to have the power to maintain such institutions out of the funds of the State? That question must be discussed fully and fairly, and any attempt to act covertly in that House always failed. He believed that a more unwise thing could not be done than to introduce into the Poor Law Act a provision which would most assuredly lead to the establishment of institutions totally different from those contemplated by the Poor Law. If they did so, he feared that the result would be bickerings, ill-will, animosity, and quarrelling in every Poor Law Board throughout Ireland.

SIR GEORGE GREY said, that every explanation would be given at the proper time; but the Chairman had decided that the subject was foreign to the Motion before the Committee. He thought the most convenient course they could take would be to adopt the Amendment, and then to discuss the clause in its completed form.

Motion negatived.

Amendment agreed to.

MR. HENNESSY said, he would then propose as an Amendment in line 8, the substitution of the word "twelve" for "five," the object being to extend to a period of twelve, instead of five years, the time during which it should be lawful under the operation of the Bill for a board of guardians to provide for the relief of any orphan or deserted child out of the workhouse. The Committee of the House,

to which the subject had been referred during the last year, was in favour of his proposal.

Amendment proposed, in line 7, to leave out the word "five," and insert the word "twelve."

SIR ROBERT PEEL said, he felt compelled to oppose the Amendment. The Committee agreed to the age of twelve years by a majority of only one. He was strongly in favour of the age of five years, which answered every sanitary purpose, and after that period the child would get an excellent education in the workhouse school. In enacting that children up to the age of five years might be put out to nurse, "or otherwise," he intended no reference to the establishment of institutions for children throughout Ireland; but he merely used the words because the phrase "to nurse" might be supposed to mean that the child was actually at the breast, and children five years old could hardly be expected to be in that position. Up to one or two years they would be at the breast, and then they would be taken care of until they attained the age of five.

MR. MAGUIRE said, he believed the medical authorities in Ireland had given it as their opinion that on mere sanitary grounds it was expedient that children should for a longer period than the first five years of their age be brought up out of the workhouse. He believed, too, that the last place in which a boy or girl would receive an education calculated to fit either for the daily duties of life was in the workhouse. It was found from experience that young women trained there were entirely unsuited to become domestic servants. For his own part, he felt the strongest conviction that the future of Ireland depended to a great extent on the decision at which the Committee might arrive in reference to the Amendment.

MR. WHITESIDE said, he could not concur in all the remarks of the last speaker; but the hon. Gentleman had this in his favour—that in the opinion of the Select Committee boards of guardians should be authorized to place pauper children out at nurse up to the age of twelve years. If the words "or otherwise" should be inserted in the Bill and become law, the result would be that the guardians might send the children under their care, not only to schools, but to other institutions—such as convents—to be educated at the public expense.

*Mr. Hennessy*

He did not wish to introduce the religious element into the discussion, but he could not help saying that such a provision he should regard with sincere regret. True, the right hon. Gentleman the Chief Secretary said, that that would not be the effect of the clause; but the question was, what meaning a court of law would attach to the words.

MR. JOHN BROWNE said, he hoped that no change whatever would be made in the clause, which stood as prepared by the Poor Law Commissioners. The whole question of sending children out of the workhouse was considered by the Select Committee as a sanitary one, and the age of five years was fixed upon as that beyond which extensive mortality did not exist in the Irish poorhouses. He held, therefore, that to extend the time of nursing from five to twelve years, would be to impose an unnecessary burden upon the ratepayers. Children were well fed and well educated in the workhouse, and in all respects were better treated than the children of some of those who were taxed for their support. If sent outside, they must necessarily be placed with the very poorest class of people, for none other would receive them; and, while they would be worse fed and worse clothed, in health, they would not be so well attended to in sickness as they would be if allowed to remain in the workhouse. A boy in the workhouse would be obliged to attend school every day; whereas, outside, he might go as seldom and as irregularly as he pleased. The two objections which had been urged to children being brought up in the workhouse—first, that they inevitably contracted workhouse attachments, and were less likely afterwards to be absorbed in the industrial population; and, secondly, that girls especially were apt to be contaminated by association with women of bad character—were alike based on a totally false assumption, and showed in those who used such arguments an entire ignorance of the system of classification which was carried out in the workhouse, which rendered such contamination literally impossible. The question of outdoor relief had been referred to. He believed, if granted, it would be the ruin of the country.

MR. CARDWELL said, that the Resolution of the Committee pointed entirely to the putting out children to nurse up to the age of twelve years. He observed that Question 621, as put by him, was in these words—

"The seventh clause is one to give to the board of guardians the power of relieving any orphan or deserted children out of the workhouse by placing such children out to nurse or otherwise, according to their discretion."

The words "or otherwise," therefore, did occur in the clause; but no attention appeared to have been directed to them. But the question which followed showed distinctly what were the grounds which the Chief Commissioner recommended, and which mainly induced the Committee to adopt the clause. He would read Question 624, as put by him to Mr. Power—

"There are two reasons, then—first, a medical reason; and then the moral reason—namely, the desirability of cultivating that family attachment which grows up in a child, when cared for, even in a family not its own."

That was really the principle of the controversy, so far as his recollection served him, that took place in the Committee. There were on a division six Members who thought it right to stop with the medical reason, which terminated at five years; and there were the majority of seven, who thought the moral reason ought also to be considered. The former, having regard to the medical reason, supported the original proposal of the Poor Law Commissioners — namely, five years; and the latter, considering the desirability of cultivating the family attachment, prevailed, authorizing boards of guardians to place orphan and destitute children out to nurse up to the age of twelve years, when they should think it right to do so.

MR. POLLARD-URQUHART observed, that the Amendment did not make it at all compulsory on boards of guardians to extend outdoor relief to children of twelve years old. They were only allowed to do so; and he did not think the power would be abused.

MR. GEORGE said, the question before the Select Committee was, whether—till five years or any other period—it would be safe to intrust boards of guardians with a discretion to put children out to nurse; but the great preponderance of evidence was that, after five years, especially in an educational point of view, they were better in the poorhouse. The subtle construction which had first been put upon the words "or otherwise," in Clause 9, by the right hon. Baronet the Secretary for Ireland, had never been contemplated by the Committee of last year. It would be a most unfitting and indecorous way, under cover of two such words, to introduce a new and highly important

principle, as that guardians, merely at their own will and caprice, should send children to schools of which nobody knew anything. He would be just as unwilling to intrust such a wide discretion to a Protestant board of guardians in the north of Ireland as to a Roman Catholic board of guardians in the south. He hoped the right hon. Gentleman before the debate closed would abandon the interpretation which, doubtless hastily, he had put upon the words.

MR. H. A. HERBERT said, he was surprised at the excitement which these simple words had occasioned. It would almost seem as if his right hon. Friend had been a party to some corrupt compact.

MR. GEORGE said, he should be the last person to insinuate anything of the kind. He merely expressed his belief that the right hon. Baronet had hastily adopted a decision calculated to be attended with injurious effects.

MR. H. A. HERBERT said, the provision, whatever its merits or demerits, had been before the House since the beginning of the Session; his right hon. Friend could not, therefore, be charged fairly with practising any surprise upon the House. The hon. Member for Dungarvan (Mr. Maguire) had taunted the right hon. Baronet with his inexperience, but he ventured to assert that the description given by that hon. Member of the union workhouses of Ireland, as regarded the condition and education of the younger inmates, was not warranted by the actual state of those establishments. Children in the generality of Irish workhouses were better clothed, better educated, and better fed than the children of the corresponding classes outside.

SIR ROBERT PEEL said, the very fact of his having introduced the limit of five years into the Bill was conclusive proof that he had no such intention as that attributed to him by his right hon. Friend opposite. The Bill had lain upon the table of the House since the beginning of the Session, and no question had been raised. The words were also contained in the Bill of 1860. The words were originally introduced in consequence of the recommendation of the noble Lord to extend the age from two or three years.

LORD NAAS said, what he wanted to know was whether the meaning that had been put upon the words in question was correct—whether children might be sent to institutions of a charitable character

all over the country? It was most important that that point should be decided, because upon it depended the question whether an entirely new system should be introduced in connection with the Irish Poor Law. Such an intention did not exist in the former Bill, and was never entertained by any Member of the Committee. He should be inclined to move the postponement of the clause, because if the construction that had been placed upon it for the first time was correct, it would be necessary to add other clauses to the Bill. He had heard nothing to induce him to change his opinion that it was desirable to extend the age, but he was not prepared to say that the guardians should have power to send children to charitable institutions. He could not at all admit that children were better kept in workhouses than in respectable homes. Those educated in workhouses might have more literary learning, but they were not in so good a position for social or moral training as those who were placed out.

SIR GEORGE GREY said, he would admit, that if the construction to which the noble Lord had called attention were the true construction, it would very much distort the Bill. He thought, however, that it was obvious such was not the case, because if the limit of five years was maintained, the provisions of the English Bill, to which reference had been made, could not possibly apply to children under the clause. If those provisions were covertly extended to Ireland by the clause, he thought it would be an unworthy mode of proceeding; but if that were the case, it would be necessary to insert clauses to give boards of guardians complete control over the establishments to which children might be sent. He was not prepared to say that the words "or otherwise" might not allow children to be sent to other places than to private families. But the whole importance of those words depended upon the preliminary question what should be the age beyond which children should not be sent out of the workhouse. If the age was limited to five years, there could be no danger; but if extended to twelve, then these words would want explanation by additional clauses.

MR. MONSELL said, he could not understand how extending the age to twelve would be extending the powers of boards of guardians to grant outdoor relief. That power they had now in some cases, but how a discretionary power to send

*Lord Naas*

children out to private families or otherwise could be called a system of extended outdoor relief he could not understand. With respect to the moral advantages of removing children from the workhouse there could be no doubt, and his own experience convinced him that workhouse training could never succeed in bringing children up to a moral level with those who were trained out of the workhouse. The College of Physicians in Dublin had expressed their strong approval, on sanitary grounds, of the proposal, and the Committee might be sure that boards of guardians would not use such a permission unless they believed it to be for the good of the children themselves. When the right hon. Gentleman (Mr. Cardwell) was Secretary for Ireland, the full force of the Government was brought to bear in favour of the proposal; but now, he presumed, the full force of the Government would be directed against it. How, under the circumstances, the Chancellor of the Duchy would vote he did not know.

MR. COGAN said, he should support the grant to boards of guardians of the permissive power. On grounds of humanity, for the sake of the children's health, as well as of economy to the ratepayers, it was equally desirable. If they were brought up out of the workhouse, the children would soon be absorbed into the labouring class, and on every account he greatly regretted that the policy sanctioned by his predecessor had not been followed by the present Secretary for Ireland. It was not in that case alone that Irishmen had reason to regret that the right hon. Gentleman (Mr. Cardwell) was not still Secretary for Ireland.

MAJOR O'REILLY said, he hoped the Committee would consent to give the discretionary power to the Poor Law guardians to allow children under twelve years of age to be brought up out of the workhouse. The greater average mortality of children in workhouses did not cease at the age of five years. It extended to higher ages. It was impossible to bring up children so well in these public establishments as among the mass of the population.

MR. HASSARD said, he should support the Amendment upon both moral and social grounds, believing that children would be better brought up outside the workhouse than in.

MR. MORE O'FERRALL said, he would suggest the omission of the words

"or otherwise," and an extension of the time from five to twelve years.

**LORD NAAS** said, that if the power were strictly limited to children put out to nurse in the country, they ought to adopt the longer time. If there were other considerations, they might extend the time now, with the understanding that any necessary modifications should be made upon bringing up the report.

**MR. KER** observed, that without knowing the meaning of the words "or otherwise" it was impossible to know how to vote.

**SIR ROBERT PEEL** said, the question was, whether it should be five years or twelve years. Whatever the Committee determined upon, he was determined to adhere to five years.

**MR. WHITESIDE** said, that, looking forward to the probability of litigation and vexation from the presence of the words "or otherwise," he would propose that they should be struck out, and that the longer period should be adopted, with some limitation as to expense.

**MR. LEFROY** said, he considered the extension of the time would be the most injurious to the interests of the country, and he should support the five years against the twelve.

**LORD JOHN BROWNE** said, he did not regret that the words "or otherwise" were in the clause. It was much better that the children should be kept in some public institution, instead of being sent to the dirty, filthy cabins in which they would assuredly be brought up.

**MR. VINCENT SCULLY** said, he wished to ask whether he was to understand, that should the Committee determine on twelve, instead of five years, the right hon. Gentleman the Chief Secretary would resign office?

**COLONEL GREVILLE** said, he wanted an explanation of the words "or otherwise."

**MR. HENNESSY** said, that if the word "five" were retained, he would oppose the Bill at every stage.

Question put, "That the word 'five' stand part of the Clause."

The Committee divided: — Ayes 74; Noes 33: Majority 41.

**MR. COGAN** said, he could not but express the surprise which he, and others near him, felt at the result of the division. He understood there was a sort of agreement with the right hon. and learned

Member for the University of Dublin (Mr. Whiteside) and the noble Lord the Member for Cockermouth (Lord Naas), that if the words "or otherwise" were omitted, there should be an extension of the terms. He should, therefore, move that the following words be added to the clause:—"Provided always that the guardians of the poor may, with consent of the Poor Law Commissioners, continue such relief from year to year, until the child attain the age of ten years, should the guardians consider that such extension of outdoor relief be necessary for the preservation of the child's health."

Amendment proposed,

At the end of the Clause, to add the words "Provided always, That the Guardians of the Poor may, with consent of the Poor Law Commissioners, continue such relief from year to year until the child attain the age of ten years, should the guardians consider that such extension of outdoor relief be necessary for the preservation of the child's health."

**MR. WHITESIDE** said, he wished to clear up a misconception on the part of the hon. Member. He had certainly remarked, that if the words "or otherwise" were erased from the clause, he was willing to vote for an extension of the term. The hon. Member for Mayo, however, reduced the matter to its original confusion. The right hon. Baronet the Chief Secretary also adhered with tenacity to the words of the clause, not being aware, as the Home Secretary appeared to be, of their legal force. Under those circumstances, he was obliged to vote for the clause.

**MR. HENNESSY** said, he would appeal to the Government not to take advantage of the misconception, which had obviously occurred through a mistake made by the Chief Secretary.

**SIR GEORGE GREY** said, that it was impossible on that occasion to deal with a phrase which had already been passed. On the report, however, it would be quite competent for any hon. Member to move the omission of the words "or otherwise," and the extension of the term. Of course, he gave no opinion as to the propriety of such a course.

Question put, "That those words be there added."

The Committee divided: — Ayes 37; Noes 57: Majority 20.

**MR. BEAMISH** said, that there was no disposition to meet the reasonable requests of Irish Members, and with a view

to give Her Majesty's Government, and especially the noble Lord at the head of it, the opportunity of considering what course would be most advantageous to the progress of legislation for Ireland, he should move that the Chairman should report progress.

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."

The Committee divided:—Ayes 25; Noes 62: Majority 37.

MR. HENNESSY said, that as the object of Irish Members had been defeated in consequence of a mistake committed by a Member of the Government, he should move, as the first of a series of Amendments, the addition to the clause of the words—

"The guardians of the poor may, with the consent of the Commissioners, continue such relief from year to year, until the child attain the age of nine years."

The continuance of such relief until the age of twelve years had been sanctioned by a Select Committee of that House, and also by a majority of the House in the year 1860, in which majority there voted the noble Lord at the head of the Government, the then Chief Secretary, the Chancellor of the Exchequer, the Home Secretary, the Secretary of State for War, and several other Gentlemen on the Treasury bench, and also the noble Lord the Member for Cockermouth (Lord Naa), who might be said to represent Irish opinion on the Opposition side of the House. Why, then, had the proposal that the relief should be continued till the age of ten been now defeated? A mistake had been made by a Member of the Government, of which the Government had taken advantage to defeat the proposal. Three or four hours before, the right hon. Baronet stated that the unfortunate words about which so much had been said, meant that the children were to be sent to certain asylums in the north of Ireland. [Sir ROBERT PEEL: I deny that.] He was bound to accept the right hon. Gentleman's denial; but he appealed to the Committee whether he did not distinctly say that the words in the clause meant that the children might be sent to certain charitable institutions in different parts of Ireland. He thought that he said "the north." The right hon. Baronet loved the north. It had been discovered by his own colleagues that the Chief Secretary was not right in his interpretation

of his own Bill, when up rose the right hon. Baronet and stated that what he meant was not that children should be sent at wet-nurse at five years of age, and he said something about the mothers of deserted children. The right hon. and learned Member for Dublin made a proposal, which the hon. Member for Kildare was ready on behalf of the Roman Catholic body to accept, when again up started the Chief Secretary, and prevented the matter from being brought to a satisfactory conclusion. The right hon. Gentleman might have admitted that he had made a mistake, and have offered to strike out the words on the report; but he had chosen to take an opposite course, which was exceedingly to be regretted. After the evidence before them, and seeing that it had been acknowledged that 47 per cent of the children died in the workhouses, if that Bill went to Ireland unamended, the House would be stultifying itself. He would therefore move—what he believed to be a very moderate proposition—that these words be added at the end of the clause, namely—

"Provided always that the guardians of the poor may, with the consent of the Poor Law Commissioners, continue such relief from year to year until the child attains the age of nine years, should the guardians consider that such extension of outdoor relief is necessary for the preservation of the child's health."

THE CHAIRMAN said, he had some doubts whether the Motion of the hon. Gentleman was not an evasion of the rule of the House which forbade the same question being moved twice at the same stage. At the same time, he was not prepared to say that the difference between nine and ten years was not a substantial one, and he thought he should best discharge his duty by resolving any doubt that he might have in favour of discussion.

SIR ROBERT PEEL said, that although he believed five to be the age up to which children should be put out in the manner proposed by the Bill, he should be sorry to run the risk of having the measure, which was likely to do so much good if passed, destroyed after all the pains that had been bestowed upon it. He was therefore willing to agree to an honourable compromise in the matter; and as the College of Physicians had expressed an opinion in favour of the age being extended, that afforded him an opportunity of making a concession, which he did most freely. He was prepared to yield to what appeared to be the sense of the

Committee, and to accept the Amendment which the hon. Member for Clonmel (Mr. Bagwell) had put upon the paper, extending the age to eight years. He trusted that that arrangement would prove satisfactory to hon. Gentlemen; and he could only express his regret if he had in any way been the cause of an angry discussion.

MR. MONSELL said, he hoped the compromise offered by the Chief Secretary would be adopted by the Committee. The Irish Members felt that they had been fighting against the individual opinion of the right hon. Baronet. It was not to be supposed that the rest of the Government, all of whom, including the noble Viscount himself, had in 1860 voted for the limit of twelve years, had had any reason to change their opinion. They must have simply desired to support their colleague, although his knowledge of Ireland was not so great that they should be governed by his mere *ipse dixit*.

VISCOUNT PALMERSTON said, that allusion having been made to the members of the Government, and especially to himself, he must observe that he had not a very distinct recollection of what passed on that subject in 1860. But the opinion he had formed that night was founded upon the arguments which he had heard on both sides of the question; and certainly, after the speech of the noble Lord the Member for Mayo (Lord J. Browne), he must think the decision of the Committee with respect to the difference between the ages of five and twelve was quite right.

MR. BRADY said, he hoped the compromise would be satisfactory to the people of Ireland.

MR. HENNESSY said, he rose to express his willingness to accept the concession of the right hon. Baronet in the same spirit as that in which it had been offered. He believed that concession would not only terminate an angry discussion, but would much improve the Bill.

MR. VINCENT SCULLY said, he did not wish to disturb the harmony of the Committee; but he regarded the compromise offered by the Chief Secretary as a miserable one, and thought the Committee ought to have insisted on the limit of twelve years. The noble Viscount said he had been convinced by the arguments that had been used that night. It was really wonderful how the members of a Government were all convinced like a pack of hounds, and all ran upon the same scent. The pack was now found running

in a direction the very opposite of that which it took two years ago. In 1860 the Motion for adopting the age of twelve was carried by seventy-one to ten, and among those who voted in the majority were Mr. Brand, Sir W. Dunbar, Mr. Hugessen, Mr. M. Gibson, Mr. Lowe, Mr. Whitbread, Lord Palmerston, and many other Ministers.

MR. WHITESIDE said, he thought that if the proposed compromise was to be carried out, the words "or otherwise" ought to be omitted. There would be great dissatisfaction if guardians were to levy rates for the erection of orphanages outside workhouses, and for the maintenance of children in those separate institutions.

MR. H. A. HERBERT said, he had not changed his opinion on the question of age; but after the division that had been taken, if the compromise was to be adopted, he thought the words "or otherwise" ought to be retained. He hoped, therefore, that the Chief Secretary for Ireland would not adopt the suggestion of his right hon. and learned Friend the Member for the University of Dublin. If the guardians, in the exercise of their discretion, should think fit to place children in Roman Catholic institutions—[MR. WHITESIDE: In convents.] Yes, if the guardians should think that in certain cases the health of the children would be better preserved in convents, he would say, "Let them act as they think fit." He hoped there would be no misunderstanding on the point, and that the Government would be firm on it.

MR. NEWDEGATE said, he would remind the Committee that the division to which the hon. Member for Cork had referred took place at two o'clock in the morning. He apprehended that the real purpose of the provision was that the children should be put out to nurse. If that were to be so, let it be clearly understood; but let them not exonerate the guardians from what was their obvious duty. If the Committee chose to accept the compromise, it was not for him to divide against it at that time.

MR. BEAMISH said, he was still of opinion that the *maximum* age ought to be twelve years, but for the sake of good feeling he hoped the compromise would be accepted.

MR. KER was in favour of altering the wording of the clause, so as to meet the objection to the words "or otherwise."

CAPTAIN ARCHDALL said, that if those words were retained, all institutions to which the children were sent ought to be open to inspection.

MR. VANCE observed, that the Protestants of Ireland had some dependence in the Chief Secretary; and, after the statement of the right hon. Gentleman the Member for Kerry (Mr. Herbert), he hoped the right hon. Baronet would inform him whether the Government would agree to strike out the words "or otherwise."

MR. O'BRIEN said, he hoped that the right hon. Baronet would give the hon. Member for Dublin no information on the subject. The hon. Member had shown no great anxiety to strike out the words to which he now so strongly objected until he heard that the Government agreed to adopt the age of eight years instead of five.

SIR EDWARD GROGAN said, the Committee had lost five hours on a single question, which might have been disposed of in as many minutes. The poor rates were to be levied from the entire property of the kingdom, and were the Irish people to pay for the maintenance of orphans and deserted children in establishments, or, as it was avowed, in convents over which no control could be exercised by the State? The hon. Members on the Opposition benches had accepted the clause on the distinct understanding that the Chief Secretary for Ireland would not swerve from the period of "five" years. The right hon. Gentleman had since thrown over his friends and accepted "eight" years. Could the right hon. Gentleman expect to carry on the Government of Ireland in that shilly-shallying manner? Let the Committee have one single line of policy before it. There were now great doubts whether the Bill would pass or not. The Committee had abandoned the Poor Law, and had now no single principle to guide them. The Chief Secretary had been the sole cause of the obstruction, and he (Sir E. Grogan) would, for one, be no party to the compromise that had been agreed to.

VISCOUNT PALMERSTON said, that his right hon. Friend had by no means abandoned the principle he had laid down. He had departed from the strict principle of the Poor Law, for the purpose of preserving the lives of the children. It was exactly on that ground that his right hon. Friend had agreed to make eight years, not the general rule, but the exception to

the rule of five years, in cases where it was certified that outdoor relief was necessary to preserve the health and life of the child. His right hon. Friend still stood on "five years" as the general rule, except in cases where it was certified to be necessary that outdoor relief should be continued.

SIR GEORGE BOWYER said, they would never get on with business if they went on in that way. It was now too late to discuss these famous words "or otherwise." He trusted the right hon. Gentleman the Secretary for Ireland would make no reply to the objections that had again been urged.

MR. VINCENT SCULLY said, that hon. Members opposite could, if they chose, move to omit the words "or otherwise" on the report. The hon. Member (Sir E. Grogan) must, however, understand that there would be "no surrender" on that side of the House. If Roman Catholic children were educated in convents, there were, on the other hand, excellent Protestant establishments for orphans of that persuasion. When the report was brought up, it would be found that hon. Members had forgotten all that had been said in the present debate, and there would not be a word of it in the newspapers.

Amendment agreed to.

Clause, as amended, ordered to stand part of the Bill.

Clause 10 (Religious Education of Children, the Religion of whose Parents is not known).

MR. WHITESIDE said, that hon. Members on his side of the House wished to understand the position in which they now stood. The right hon. Gentleman the Secretary for Ireland had yielded to the arguments of hon. Members who represented one important interest in that House, but had conceded nothing to those who represented an interest equally important. He wished to know whether the right hon. Baronet would reconsider the subject on the report, so as to give the House the benefit of what had been stated by the Home Secretary.

SIR EDWARD GROGAN said, the question before the Committee simply was, whether they were, or were not, to repeal the law of the land which made the country Protestant. The law of the land declared that, where the religion of the parents was not known, the children, if de-

serted, should be reared in the religion of the State. A case in point had occurred in the Celbridge Union, in 1841. A difficulty arose as to what religion the child should be registered of; the matter was referred to the Poor Law Commissioners, and by them laid before the present Lord Justice of Appeal, Mr. Blackburn. The reply of that eminent lawyer was—

"I am of opinion that the guardians in such a case as this should cause the child to be educated in the religious creed of Protestantism, the religion of the State."

In 1854 a similar case arose, and the then Attorney General, Mr. Brewster, gave an opinion exactly the same as that of Mr. Blackburn. But by the Bill of the right hon. Baronet, any one who might find a deserted child, even a common policeman, might determine of what religion the child was to be. That was the first time that such a proposition had ever been submitted to that, or the other House of Parliament. There were two reasons why deserted children should be brought up in the religion of the State—the one, because it was the religion of the State; and the other, on social grounds, because it would deter Roman Catholic parents from deserting their children. If the clause were passed, an inducement would be held out to many parents to abandon their children; and the question was, were they to encourage Roman Catholic parents to do so. There were many parents in Dublin at present, who were deplored the loss of their children, who had been kidnapped and put into institutions such as those which the right hon. Baronet would establish by the Bill. It was said that the words "lawful possession" had been introduced into the clause to exclude such cases; but who was to tell whether children, who were said to be deserted, were stolen or not. He should therefore move to leave out all the words after "case" in line 19, and insert "such child shall be registered of the religion of the State."

Amendment proposed,

In line 19, to leave out from the word "case," to the end of the Clause, in order to add the words "such child shall be registered of the religion of the State."

MR. GREGORY said, there had been a great number of discussions on the subject in that House, and in a vast number of unions in Ireland the guardians had been brought into collision with the central Board, in consequence of the present state of the law. The legal decisions to

which the hon. Baronet had referred, related entirely to a past state of things, for they had been founded upon the old founding law of Ireland. That law had led to such constant heartburnings and disputes, that in 1859 he had brought in a Bill, which passed a second reading, and which provided that the question of registration should be left to the decision of the board of guardians. It was proposed at another time that the child should be registered according to the result of the religious census of the country, but that system had been found to be unsatisfactory. He hoped the Committee would give its sanction to the provisions of the present measure, which he believed was the most ready way of dealing with the subject, and in a manner which would be acceptable to the country.

SIR GEORGE BOWYER utterly denied that the law of the land presumed that every deserted child was of the religion of the State. The law presumed that to be the case, which was the most probable, unless the contrary were proved. It was, of course, among the poorer classes that the desertions of children most frequently occurred; and as in Ireland the great majority of the poorer classes were Roman Catholics, the presumption, in most cases, would be that a deserted child was of the Roman Catholic religion.

MR. WHITESIDE said, that the question before the Committee was very important. The result of the proposal was, that whatever might be the religion of the policeman who happened to find a deserted child, the child must be brought up in that religion. According to that view, if a policeman were a Mahomedan, or a Unitarian, any child he might happen to find must be brought up in that creed. Now that was, to say the least of it, a very novel proposition. The practice hitherto had been to register deserted children in the religion of the State. In support of that view, the opinion of Judge Blackburn, when Attorney General, was conclusive. The exact point was laid before him; and the decision of the learned Judge was clear, that in the case where the child was deserted by the father and by the mother, the guardians had no alternative than to bring it up in the State religion. That seemed to him to be a more reasonable course of proceeding than the rough and ready mode advocated by the hon. Member for Galway. He would admit, that if the religion of the

mother could be ascertained, the child ought to be registered in that religion. With regard, however, to the principle laid down by the hon. Member for Dundalk, that in the absence of any such guide the child ought to be registered in the religion of the majority of the population—which he granted was in Ireland the Roman Catholic—he must contend that it would be of very unfair application in Ulster, where the presumption would be that the deserted child was the offspring of Presbyterian parents.

SIR ROBERT PEEL said, no doubt the law of the land was that which had been stated by the hon. and learned Gentleman; but still it had never been enforced, and could not be enforced. The question was undoubtedly a very difficult one. The Government, however, had, in making the proposal on which the right hon. Gentleman animadverted, submitted to the House what they deemed to be the best solution of it. He might further observe that the right hon. Gentleman need not be apprehensive that any child would be registered as a Mahomedan, inasmuch as there was no member of that persuasion in the police force in Ireland; nor did he think it could be justly imputed to the force that it contained men who would be ready to change their religion to suit the views of the Government of the day. The clause had been adopted on the recommendation of the Select Committee, and therefore he hoped it would be retained.

MR. VANCE said, the question was one of principle, and one that, as a Protestant of Ireland, he could not consent to give up. The Court of Queen's Bench had decided that a deserted child should be educated in the religion of the State. Such was the law of the land, and the boards of guardians in Dublin had always acted upon that principle. He regarded the clause as a most dangerous attempt to abrogate a long-established law, and a first step towards separating the State from the Church in Ireland.

MR. VINCENT SCULLY said, that the objection was that the clause altered the law of the land. Why there was not a clause in the Bill that did not more or less alter the law of the land. The whole business of the House of Commons was to abrogate bad laws; and if they did not do so, they might as well shut up shop altogether. The great argument on the other side was that deserted children should be

educated in the religion of the State. Now, the State religion in Ireland was Protestantism, and hence it followed, on the showing of the opponents of the clause themselves, that all the illegitimate and deserted children in Ireland were the offspring of Protestant parents. He thought the proposition of the Government was the best and fairest that could be adopted.

SIR HUGH CAIRNS said, he hoped the Committee would proceed on some more rational principle than that which seemed to have actuated the framers of this clause. Let them, for a moment, discard all question of Roman Catholic and Protestant. He had a great respect for the Select Committee which sat upon the subject; but anything so extraordinary as the conclusion at which they had arrived in point of principle he never heard. The clause said that a deserted child should be brought up in the religion of the person, whoever he might be—perhaps a tourist—that took him to the workhouse. He thought that proposition altogether irrational, and he trusted the Committee would not adopt it. He concurred in this, that where they had not the parents or surviving parent they should adopt the guardian or guardians of the child, or, if there were no guardians, the godfather or godmother for the purpose of determining in what religion the child should be brought up. In absence of these the Government might step in; but what he would propose was that the guardians of the district should *pro hac vice* become guardians of the child. If the population of the district were Roman Catholics, the guardians elected by them would be Roman Catholic; and they, he had no doubt, would take into consideration all the circumstances of the child's case in determining what should be his registered religion.

MR. CARDWELL observed, that the proposal of his hon. and learned Friend (Sir Hugh Cairns) had entirely overthrown the argument of the right hon. and learned Gentleman the Member for the University of Dublin. It also disposed of the proposition of the hon. Baronet the Member for Dublin (Sir E. Grogan). The proposition of the last-named Gentleman, that in a country the majority of which, and especially of the poor, to which class these children belonged, were Roman Catholics, every deserted child should be entered in the Protestant religion, was so manifestly repugnant to justice that he was not sur-

prised that the hon. and learned Member for Belfast threw it overboard. The case, however, was one of real and great difficulty. The law had provided distinctly for the religious education of all pauper children in Ireland. They were to be brought up in the religion of their parents if they could possibly be discovered. If, being without parents, they had guardians, they were to be brought up in the religion of their guardians. But there might be others who had no guardians, and for whom it was necessary to provide. His hon. and learned Friend said, "Let the guardians of the district settle in what religion they should be educated." Now, that seemed a most simple proposition—a great argument in its favour—and he felt at first inclined to adopt it. But on a little further inquiry it turned out that that proposition had already been under consideration in the House, under the auspices of the hon. Member for Galway (Mr. Gregory), but had not been approved; and his hon. Friend himself had, he believed, abandoned it. It had also been considered by the Committee; but the Commissioners strongly urged them not to adopt that proposition. They said they had overcome great difficulties in Ireland; they had introduced a system of local government in the relief of the destitute poor; they found the boards of guardians, though composed of persons of different religious opinions working admirably; and they said to the Government, "Whatever you do, don't introduce into boards of guardians an element which must inevitably produce all the evils of religious discord, by permitting those boards to determine in what religion a child should be brought up." By a large majority the Committee resolved to adopt that view, and he believed the noble Lord the Member for Cockermouth (Lord Naas) voted in favour of the proposition before the Committee. The question had been mixed up with a good deal of banter and ridicule which had nothing to do with it. The guardians in Ireland, and those excellent public servants the Poor Law Commissioners, said, when a deserted child was brought to them for relief, "Furnish us with a guide—parents where there are parents, a guardian, where there is a guardian, and in the absence of these, let us bring up the child in the religion of the person that brought it to us."

Mr. GEORGE said, he would prefer having a destitute child brought up in the

religion of the State to that of the person taking him to the workhouse. The Law Officers had given their opinion, and the law of the land should prevail.

MR. GREGORY said, that the question that the guardians should stand *in loco parentis* to a deserted child was proposed by him in 1859, and the proposition was strongly opposed by the hon. and learned Member for Belfast and the right hon. and learned Member for the University of Dublin. He thought, that if they endeavoured to register the children in Ireland in a way contrary to the general religion of the country, they would be doing nothing less than endeavouring to make converts; and he was surprised to find hon. Members on the other side of the House endeavouring to give a power to guardians which they found it impossible to give when the Bill of 1859 was before the House.

SIR GEORGE BOWYER said, his own argument was in reality strengthened by the case cited by the hon. Member for Dublin; for, by a report of the case, it appeared that the court discharged the conditional order for a *mandamus* against the guardians.

MR. VANCE replied, that by the decision of the court the child was to be educated in the religion of the State.

MR. NEWDEGATE said, that, according to the proviso of this clause, of which some hon. Gentlemen seemed to approve, if a gipsy stole a child and brought it to the workhouse, that child must be brought up in the religion of a gipsy. The only intelligible reason given by the advocates of the clause was, that there was a strong disposition in Ireland to resist the present law. Inasmuch, however, as the State maintained the poor, was it not natural that the children, who were made the children of the State by being brought up under the Poor Law, should be brought up in the religion of the State? Concession upon the point under consideration would neither satisfy the people of Ireland nor England, it would be far easier to maintain the principle of the present law than to adopt any compromise; and a more miserable compromise than that which the clause suggested he could not conceive. The result of passing the Bill with the present clause would be that there would be a perfect scramble for these unfortunate children. It had been suggested that the police would bring most of these children to the workhouses; if so,

the policemen would have to stand godfathers to most of these children. He (Mr. Newdegate) did not believe that any such function was contemplated in their engagement. The House could not hope to satisfy the foreign influence which actuated the Roman hierarchy in Ireland by concession: submission would only create confusion. He should, therefore, cordially vote with the hon. Member for Dublin for maintaining the simple provision of the law, which extended the protection of the State to these poor children, who had been deserted by their parents, and who had no other provision, spiritual or temporal, save what the State gave them.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided: — Ayes 97; Noes 69: Majority 28.

MR. VANCE said, he would move that the Chairman report progress.

SIR ROBERT PEEL said, he hoped that the hon. Gentleman would not press his Motion. After seven hours' discussion they had got through two important clauses, and there was no reason why they should not continue the consideration of the Bill.

MR. WHITESIDE said, he objected to proceeding with the Bill at that hour (12 o'clock).

MR. O'BRIEN said, he hoped it would be known from what quarter the opposition to the further progress of the Bill proceeded.

SIR ROBERT PEEL said, he would suggest that the clause under discussion should be adopted before progress was reported. He proposed to strike out the following clause, and at its next sitting, therefore, the Committee would, if his suggestion were acceded to, proceed with the consideration of Clause 12.

MR. VANCE said, he had no objection to that arrangement.

Motion, by leave, withdrawn.

Clause agreed to.

Clause 11 (Property hitherto exempt from Rating, as being used for charitable or public Purposes, to be rated).

SIR EDWARD GROGAN said, he objected to the omission of the clause, and would move, that the Chairman should report progress.

Motion made, and Question put, "That

Mr. Newdegate

the Chairman do report Progress, and ask leave to sit again."

The Committee divided: — Ayes 58; Noes 104: Majority 46.

LORD EDWIN HILL moved, that the Chairman do now leave the chair.

Motion made, and Question put, "That the Chairman do now leave the Chair."

The Committee divided: — Ayes 54; Noes 102: Majority 48.

SIR ROBERT PEEL said, he hoped the arrangement which he had proposed would be acceded to, now that the sense of the Committee had been twice taken.

SIR JOHN PAKINGTON said, he was quite sure that it was not the intention of his hon. Friend who moved that the Chairman leave the chair to put an end to the Bill.

SIR GEORGE GREY said, he had no objection to report progress now.

MR. WHITESIDE observed, that he had not been aware that Clause 11 would be struck out without any discussion.

House resumed.

Committee report Progress; to sit again on Monday, 16th June.

#### ARTILLERY RANGES BILL.

##### SECOND READING.

Order for Second Reading read.

MR. AUGUSTUS SMITH said, he wished to know the extent of property above and below high-water mark that would be affected by the Bill, the rent to be charged, and whether the public could get compensation for the loss of fishing, &c., at certain times of the tide?

SIR GEORGE LEWIS observed, that the hon. Member, although he had a very keen nose for questions of foreshore, was mistaken in that instance. The Bill was not intended to affect such questions, but merely to prevent accidents, by prohibiting vessels from anchoring within the line of fire.

Bill read 2<sup>o</sup>, and committed for Monday next.

House adjourned at One o'clock.

#### HOUSE OF LORDS,

Friday, May 30, 1862.

MINUTES.]— PUBLIC BILLS.—1<sup>o</sup> Crown Private Estates.

3<sup>o</sup> Customs and Inland Revenue.

**THE SLAVE TRADE—TREATY WITH  
THE UNITED STATES.  
OBSERVATIONS.**

EARL RUSSELL said, he could now inform his noble and learned Friend (Lord Brougham), who had addressed to him a Question the other evening in reference to the slave trade, that Her Majesty's Government had received a communication from the Spanish Government, through our Minister at Madrid, stating that the Spanish Government were anxious for the suppression of the slave trade, and promising that they would continue to exercise every vigilance for the accomplishment of that object. But they did not make any allusion to the point to which his noble and learned Friend had referred —namely, that trading in slaves should be treated as piracy on the part of Spanish subjects.

LORD BROUFGHAM said, he had not the least doubt that the Spanish Government would use "the same vigilance as it had hitherto used;" but their previous vigilance was really no vigilance at all, unless, indeed, it was a vigilance in supporting and encouraging the slave trade rather than putting it down. What was desired was, that the Spanish Government should adopt the suggestion of their own officer, Marshal Serrano, who said that the way to suppress the slave trade was to make it piracy and punishable capitally. He had looked into the question of law, and he had no doubt that any person engaged in fitting out in England any vessel, ship, or boat to be employed in the slave trade, was punishable with fourteen years' transportation.

**CUSTOMS AND INLAND REVENUE BILL.**

[BILL NO. 78.] **THIRD READING.**

**Order of the Day for the Third Reading  
read.**

EARL GRANVILLE: My Lords, the Bill which I propose to your Lordships that you should now read the third time and pass, and in regard to which it was thought that the discussion might be much more conveniently taken on the present stage, is unquestionably a measure of very great importance, inasmuch as, on the one hand, it involves a very large amount of taxation on which the Estimates for the year have been founded, and, on the other, it contains many remarkable changes and improvements essentially beneficial in regard to our system of national finance. The esti-

mated expenditure of the year amounts to exactly £70,000,000. It was taken at £70,040,000; but owing to the diminution, I believe, of some of the Miscellaneous Estimates, the charge for the year amounts to £70,000,000. The estimated receipts would have been £70,190,000; but there has been made a slight change, which will make a difference in the estimated receipts of £10,000, which will reduce the income of the year to £70,180,000, leaving a small estimated surplus of £180,000. That is a small surplus, undoubtedly—I admit, smaller than I think is generally desirable to maintain; and as that is a point to which the attention of the House is likely to be specially directed, I wish to say a very few words with regard to the surplus being so small this year before I proceed any further with the general subject. No doubt, in the usual course of events it is wise and prudent to have a larger margin for possible contingencies, any available surplus being devoted to the repayment of the national debt. But there are years when that is impossible—years when the country is engaged in war, and when it becomes an almost hopeless task to balance the income with the expenditure. The question I have, then, to ask your Lordships to consider is, whether there is anything in the present circumstances of this country to place the present condition of financial affairs in a somewhat intermediate condition; whether we are in such a perfectly normal state as to make it reasonable to expect that the usual rule should be applied; or whether there are not exceptional circumstances which should induce you to be satisfied with a less than usual surplus. I admit that if I fail to show that any exceptional circumstances attach to the present state of affairs; if I also fail to show that there is any possible elasticity in the revenue; if I fail to show that, however great our expenditure may be, there is no reason to hope that it will be diminished, I shall fail entirely in showing that we are justified in not providing a very large surplus. I must observe, in the first place, that during the last three years we have had many adverse circumstances to contend with. One year we had a decidedly bad harvest, next year we had one far from good; and next year an event often vaguely prophesied, but by many deemed hardly possible, happened in the United States of America, most deplorable to themselves, and in its consequences to all the rest of the world with whom they were engaged

in commercial relations; which not only deprived us of that supply of cotton so necessary to our manufactures, but diminished our exports to that country in one year by something like £12,000,000, and affected the commercial relations of nearly every country with which we are in the habit of transacting business. Besides this, within these three years we have had war—war with China, war in New Zealand—and we have also had to make expensive preparations for a war which, thank God, has been averted, with the United States themselves. Taking the expenditure of 1858-9, and comparing it with that of the present year, the excess of expenditure owing to these circumstances during the last three years amounts to no less than £20,000,000. I do not think that demand was unwisely met by Parliament. I believe it has been provided for in a wise and prudent manner. Some extraordinary resources were drawn upon to meet a portion of the charge, chiefly by taking up the malt credit, the Spanish payment, and repayments of advances for works. The balances in the Exchequer were reduced £2,530,000. With regard to the diminution of the balances I may perhaps say a word. I have heard great objections made to the reduction of these balances, and I believe the Chancellor of the Exchequer himself does not consider them sufficiently strong at the present moment: but they are sufficiently large to meet all the demands that are made upon them; and I believe there is practical economy in keeping them low, if they are capable of meeting the public requirements. The circumstances to which I have adverted show, I think, that the present is not a normal year. A portion of the £20,000,000 to which I have adverted was replaced by £6,500,000 arising from the extraordinary resources just mentioned. The other £14,000,000 was raised from taxation. Therefore I think the manner in which that demand was met was not unwise. There is another circumstance, which perhaps hardly bears on the question, yet it is one which should not be entirely overlooked. During that time we have increased the debt by £1,200,000 for fortifications; and on the other hand, we have redeemed debt to the amount of £4,000,000.

I think, then, I have said enough to show that we are in an abnormal state in regard to our finances; and I now come to the question whether it is possible for the Government to entertain a hope that

this great expenditure should be in any degree diminished. I believe I am expressing the opinion of the Government when I state in the strongest terms their feelings upon this point—their conviction that it is their paramount duty to provide for the effective defence of the shores of this island, and the protection of our commerce all over the world. Already, however, an important step has been made in the direction of reduction of expenditure. Comparing the estimated expenditure of the present year with the expenditure of 1861-2, there is a diminution of £1,833,000, and comparing it with the expenditure of 1860-1, there is a diminution in round numbers of £3,500,000. It may be said that this diminution is merely the result of the cessation of the Chinese war, and of the extraordinary expenditure for the defence of the North American provinces; but, deducting these two great sources of expense, I still find that the expenditure is reduced as compared with 1861-2 to the amount of £735,000, and as compared with 1860-1 to the amount of £1,361,000. Without venturing to prophesy how far further reduction can take place—although the Government of Her Majesty, when they believe it prudent and safe to do so, will in the highest interests of the country apply their best energies to diminish the burdens of the people—I must say that I do not think we have any reason to despair of further reductions in the public charges. With regard next to the question of the national income, nobody now feels any doubt of the wonderful elasticity of our revenue. While discussing a question of taxation last year, I called your Lordships' attention to the elasticity of our revenue under the financial system which has so happily obtained during the past twenty years. The more you reduce or the more you abolish Customs duties, the more buoyant they appear to become, and the larger the sum they yield to the Exchequer. Still more remarkable is the effect produced by the abolition—not the reduction, but the abolition—of Excise duties. Before the year 1858 there were twenty-seven Excise duties. Within the last few years fifteen out of those twenty-seven have been abolished, and already the remaining twelve produce a larger amount than the whole number yielded before. There is nothing in the present state of affairs to diminish your confidence, that when you reduce or abolish obnoxious taxes—imposts

which press down our commerce and manufactures—the revenue will eventually be no loser by your measures. During the last three years, notwithstanding large reductions and remissions of taxation, the produce of the remaining sources of revenue has increased at the rate of about £900,000 per annum. I think, therefore, we need not speak in a desponding tone of the prospects of our revenue under the existing financial system.

Under all these circumstances I am sure your Lordships will consider that the Government have exercised a wise discretion in not asking the House of Commons for further taxation at this moment—further taxation, not for the purpose of making both ends meet, but for the purpose of securing a large margin at a time when a large portion of our population are enduring great privation in a manner which is most creditable alike to themselves and to the country to which they belong. At such a period I think it would have been most inexpedient and most unstatesman-like for the Government to propose, or for Parliament to sanction, additional taxation, when we all naturally wish to relieve as much as possible the distressed people of the manufacturing districts. The other day the noble Earl opposite spoke of the necessity of having a discussion upon this Bill in the present serious state of our finances. Considering some of the matters to which I have already alluded—considering, more particularly, the state of civil war which now exists in North America, and of which it is impossible to say what the result may be—the question of our finances must be serious; and I have no hesitation in saying, that in my opinion it is most important and desirable that our financial position should be fairly and openly discussed by your Lordships, when taking part, concurrently with the other House, in passing a Bill of this sort. I must deny, however, that there is anything in the state of our finances, serious as I admit it to be, calculated to cause alarm or despair. It has been well said, that mistrust has its dupes as well as over-confidence; and when I reflect how much we have to console us—when I look around and see the state of the country—when I consider all the redeeming features, even in the case of our distressed manufacturing population in Lancashire and parts of Yorkshire—when I observe the immense benefits caused by our increased trade with France—an increase which,

if it continues at the same rate as during the last four months, will amount to £10,000,000 per annum, nearly equivalent to the £12,000,000 to which I have referred as having been lost during the last year in our trade with the United States—I do think that we have every reason to congratulate ourselves upon having agreed to that treaty of commerce, which, though at first objected to in many quarters, has produced such gratifying results. The total increase in our exports to France, as compared with two years ago, is 150 per cent. In cotton and cotton yarns the increase is 300 per cent; in hardware and cutlery, it is 200 per cent; while in iron and steel, from which, in consequence of the high duties still maintained by France, little was expected, the increase also amounts to 200 per cent. The increase in linen and linen yarns is 50 per cent, and in woollen yarns it is no less than between 500 and 600 per cent. I think these figures are most remarkable; and if you consider what the parts of the country are from which our increased exports are made to France, you will see how far they go to alleviate the distress which afflicts a large portion of the industrious classes of this country. It is a great source of satisfaction to me to remember that up to the last moment the Legislature has continued to remove all those painful restrictions which weighed so severely upon our commercial and manufacturing resources. They are nearly all swept away, and we behold the beneficial result in our increased trade with almost every part of the world, and in the impression produced upon the poor population of our own country. That portion of our population which is now suffering such severe distress know that they have nothing to complain of in the conduct of the Government or Parliament; they know that the Legislature is not to blame for any of those unhappy events which are causing them so much unmerited distress, and which are owing to external causes; and to the feeling thereby produced in their breasts, as well as to their own improved moral, social, and intellectual condition, I attribute the order, peace, and contentment which reign in the suffering manufacturing districts, and which, in their turn, have an important bearing upon the material prosperity of the country. My Lords, I believe that our revenue, founded upon a solid basis, is not in danger. I believe it was prudent not to attempt any innovation at the present time.

I believe it was wise in this Bill to renew the income tax and the sugar duties at their former rates, to relieve an important portion of the agricultural community by commuting the hop duty, and to make some change, purely administrative, with respect to certain stamps and the admission of wines. I believe this course to be prudent, and it is in this belief that I move the third reading of the Bill. I know it is not the intention of your Lordships to obstruct the passing of the Bill in any way; but, at the same time, I trust that the dispassionate debate of this evening will bring out more clearly than ever that there is not that ground for despair or alarm with regard to our financial position which appears to be entertained in some quarters.

*Moved*, that the Bill be now read 3<sup>a</sup>.

THE EARL OF CARNARVON said, that the noble Earl, in discussing this Bill, had taken a somewhat one-sided view. It was perhaps, in one sense, the most important Bill that had ever been brought before their Lordships' House. It was a Bill which dealt with between £22,000,000 and £23,000,000 of public taxation, and on that ground alone was deserving their Lordships' most serious consideration. It was the largest Money Bill that had ever come up to their Lordships' House; and the noble Earl had not alluded to the fact that it came before their Lordships' House in a new, and he might almost say, an extraordinary manner. It embodied in its provisions an amount of taxation that had never been raised under any previous Bill. It had been the practice of late years to deal with these separate sources of taxation more or less in separate measures, and he did not think any ground of expediency had been shown for the change now made; but if their Lordships would remember certain circumstances within the last two years—the circumstances which had attended the repeal of the paper duties—they would be at no loss to conjecture what were the feelings that had dictated this change. It was, in fact, the completion of the threat held out by the Chancellor of the Exchequer two years ago, when their Lordships, in the undoubted exercise of their right, interposed their veto upon what they considered a gratuitous and wasteful sacrifice of revenue under the precarious circumstances of the State. It was quite true that their Lordships did not now propose to resist this Bill; but he might question how far it was wise and dignified to revive instead of burying the

recollections of two years of unsatisfactory finance. Be that as it might, their Lordships still reserved to themselves the full right of either amending or rejecting any measure of this sort, or any measure of the kind that might come before them, throwing on those who had endeavoured to place them in this dilemma the responsibility of so doing. If the House of Commons chose to curtail its own privileges, and to merge half-a-dozen debates on as many different changes in a single debate on a single Bill, their Lordships had no right to complain of their so doing. He went along with the noble Earl in thinking the circumstances of the year exceptional and abnormal. He thought that no reflective person could at this moment look either at home or abroad without a feeling of great anxiety. At home, whatever elasticity and recuperative power there might be in their finances, there was, he would not say a declining, but a depressed and suffering condition of trade. There was a scarcity of employment in one branch of industry, begetting distress, and that distress, however nobly borne, acting and re-acting on other classes—small shopkeepers, petty tradesmen, and small ratepayers, in a vicious circle. Nor, whether the amount of the stocks of cotton in America, or the amount of those available in England was considered, could there be said to be a prospect of immediate relief. Looking abroad, they viewed a scene disfigured with bloodshed or darkened by political doubt. Under these circumstances, what was the policy which reasonable men would pursue? He should say, after making full, ample, unequivocal preparation for the military and naval defences of the country, let them husband their resources, and allow, as far as possible, a margin over and above the foreseen disbursements of the year. In one word, let them take nothing for granted, but found every calculation on a basis as unfavourable as possible to themselves. The noble Earl had dwelt much on the exceptional character of the year and the elasticity of the resources of the country. But whilst the future is a subject of indefinite conjecture, from the past and the present alone can any safe inference be drawn in a financial debate. This elasticity of the national resources seemed to him (the Earl of Carnarvon) to be a collateral question, and he would not discuss it. He would accept from the Government their estimate of what was

necessary for the military and naval service of the year. Nor would he discuss the question how the finances were dispensed, so to speak, although he was very far from saying that there was not great room for criticism on that point. He believed that there was a great and extraordinary waste in many of the public departments of this country. He would, however, not now go into those questions ; what he wished to do was to draw attention to the treatment of our financial resources by the Government. Now, the first and indispensable condition of sound finance was accuracy of calculation on the part of the financier, and moral certainty on the part of those to whom the financial arrangements applied. Accuracy of calculation begot confidence ; confidence begot public credit, and public credit begot everything that was great and honourable in a nation. Now, could it be said that the financial operations of the Government were so characterized ? With the highest possible opinion of the ability of the right hon. Gentleman the Chancellor of the Exchequer, it was impossible to assign to his calculations a character of accuracy. He generally commenced the year with an eloquent speech and a plausible surplus ; and he generally concluded the year with a practical deficit, and often a supplemental budget. Out of the last ten years the right hon. Gentleman had been for five or six years Chancellor of the Exchequer ; and, with the exception of 1853—in which he admitted that the anticipations of the budget had been realized in a satisfactory manner—there was no single year which was not marked with miscalculation as to the relative position of income and expenditure. Such had been the character of the right hon. Gentleman's administration of the finances of the country. Take the year 1860-1 :—The Chancellor of the Exchequer estimated the income at £72,308,000 ; the actual income was £70,283,000, showing a miscalculation of £2,025,000. The estimated expenditure was £70,100,000, the actual expenditure was £72,842,000, showing a miscalculation of £2,724,000, the income being less than the actual expenditure by £2,560,000, and only £180,000 above the estimate expenditure. Take the next year, 1861-2. The estimated income was £70,283,000. The actual income was £69,674,000, being a miscalculation of £609,000. On the other hand, the estimated expenditure was £69,875,000 ; the

actual expenditure was £70,837,000, being a miscalculation of £962,000. It was plain from these figures, that in those two years at least the Chancellor of the Exchequer underrated the amount of his expenditure and overrated the amount of his income ; and it was worth attention that the points to which these miscalculations were traceable were, as had been predicted, the Chinese indemnity on the one hand, and the collection of the Excise on the other. Now, he could understand a Chancellor of the Exchequer, whom he had a surplus, being animated by a love of peace, and a detestation of war, carrying his aversion to war to the reduction of military and naval armaments ; but he could not understand a Chancellor of the Exchequer closing his eyes to the risks and necessities of war, and permitting that love of peace to cover his miscalculations as regarded war. When, in 1854, this country sent out 25,000 troops to defend the Turkish empire, he believed that the Government merely made provision for sending them out to Malta, on the supposition that they would be brought back again. That was only one of the long series of miscalculations which, he feared, had marked the finances of his right hon. Friend ; but it was a type of the whole. In 1860 the same Chancellor of the Exchequer had the fortune to have to preside over another military operation. We sent out the expedition to China ; and what were the words of the Chancellor of the Exchequer at that time ? He told the House of Commons that this expedition went out as the bearer of a peaceful remonstrance to China, and in accordance with that opinion he asked for the modest Vote of £500,000. But at the close of that Session Mr. Gladstone had to come to the House and ask it to extend the Vote by £3,000,000. This was a matter of expenditure ; but let them now turn the pages of the national ledger, looking still under the head of China, and see if the right hon. Gentleman had been more successful in his calculation of income. Last year he estimated the amount of the Chinese indemnity at £750,000 ; in his financial speech of this year he had to reduce it to £434,000, as the total available receipts ; and he went on to say, that whereas he had anticipated the realization of the indemnity within four or five years, he could not now hope that it would be realized in less than seven or eight years,

"unless," Mr. Gladstone said in a manner characteristic of his whole policy, "some arrangement might be made to anticipate the payments." The fact was, that each year's budget was a budget, not of facts and ascertained figures, but of imagination. It was perfectly clear that the result of such miscalculation must be to destroy that confidence in the budgets of the Finance Minister which it was of the utmost importance that the public should possess. For the last two or three years the budget had become a mere exhibition of rhetorical subtlety and skill—a tickling of the ears by calculations, which on examination were found not really worth the paper on which they were written. This not only engendered mistrust, but set up a spirit of speculation and gambling, and, in fact, went to the roots of public morality. With every respect for his right hon. Friend, he believed that this proceeded from two causes, one moral and one financial. The moral deficiency proceeded from an over-sanguine but most dangerous temperament, which made the intellectual belief the creature of the moral wish, and which led the right hon. Gentleman to over-rate income and underrate expenditure. Starting with self-deception, he ended in deceiving others, and turned finance from a matter of hard, dry calculation into a question of sentiment and conjecture. He believed this proceeded from a great error—the error of the never estimating for a surplus;—he did not say of realizing a surplus, for except in 1853 the present Chancellor of the Exchequer had never had a single shilling surplus; but he never estimated for a surplus—he drew his calculation so fine as to leave no margin, or, as in the present year, one of £150,000. And did it not follow, if he so equalized his expenditure and his income, that the slightest unfavourable turn of events in the year must disturb his whole calculation? No landowner or private gentleman would go upon that insane principle of living up to the utmost farthing of his income, without taking into account the chances of a bad harvest, failure of rents, losses by fire, or other vicissitudes that might arise. He might venture to say that Mr. Gladstone had uniformly been a Minister of small surpluses. In 1853 he estimated for a large surplus of £870,000; and those who remembered the budget speech of that year could not fail to be struck with the greater

prudence, the reserve, and the self-restraint of the right hon. Gentleman's speech, which was not to be found in any other of his financial statements. In the following year, 1854, though it was a year of war, he estimated for a surplus of £430,000, and in 1860 for a surplus of £460,000. That year showed a deficiency of more than £2,500,000. In the year just passed he estimated for a surplus of £400,000, and the falling-off was still greater, and this year he came down to the miserable, pauper figure of £150,000, or, as the noble Earl said, £180,000. He would ask this House—looking at the vast extent of our Empire, and the various contingencies which with such an extended dominion must necessarily be provided against—he would ask their Lordships whether a surplus of £150,000 or £180,000 could be considered either safe or creditable? Mr. Gladstone himself admitted that the surplus was only a nominal surplus. But he did more—he took credit for it, and told the House of Commons that he did not estimate for a larger surplus, because, if he did, the House would have compelled him to appropriate it against his inclination to the remission of taxation; and he added, "The only security of the Chancellor of the Exchequer lies in his utter destitution." Were these the expressions of a statesman, and were they to be expected from the pupil and friend of Sir Robert Peel? When a Minister came down to the House of Commons and told them he could not do that which he considered right—that he dared not keep a surplus, because if he did the House would compel him to appropriate it against his own sense of public policy to the remission of taxation—that was language hardly worthy of the right hon. Gentleman or of the assembly he was addressing. There had only been one parallel to this; that was the right hon. Gentleman's conduct when he went down to a commercial town, and, addressing the people there, exhorted them to put a pressure on himself to reduce taxation which he, as a Minister of the Crown, on his own responsibility and his own authority, had recommended the House of Commons to adopt.

He now came to a most important point—the present balance of the national account. How did it stand? They might take it two ways, either for three years—1859-60, 1860-1, and 1861-2—or they might take the two last years, during which

Mr. Gladstone had been wholly and solely responsible for national finances. He would take it both ways. In 1859-60 Mr. Gladstone inherited the financial arrangements of his predecessor, and no great alteration was made ; and the result was that that year he had a surplus of £1,587,000. In the following year 1860-1, there was a deficiency of about £2,558,000,—a deficiency which would have been greater had not their Lordships stepped in and prevented it by refusing to agree to the repeal of the paper duty. In 1861-2, as it was, they had, mainly through the repeal of the paper duty, a deficiency of £1,164,000, to which must be added £278,000, excess of expenditure since ascertained, which brought up the deficiency to about £1,400,000. Reviewing thus the three years they had a total deficit of £4,000,000 ; but it was fair to deduct the surplus of 1859-60. Deducting, therefore, £1,587,000 from the £4,000,000, there was left a net deficiency of £2,413,000. But this was not all. The right hon. Gentleman had anticipated the national resources ; the malt credit to the amount of £1,972,000 was called in, an additional income tax of £2,000,000 was imposed, and five quarters' tax was crowded into four quarters of the year. Then, £500,000 of the Spanish debt was received, and that, too, which properly was capital, was applied in the most singular way to current expenditure. If, then, those anticipated resources, amounting to £4,472,000, were added to the deficit of £2,413,000 which he had before mentioned, there would be a total excess of expenditure over revenue for those three years of £6,885,000. If, on the other hand, they took the last two years, during which Mr. Gladstone had been wholly and solely responsible for the finances of the country, excluding the benefit of the surplus left him by the preceding Government, there was a deficit of £4,000,000. They had anticipated resources besides to the extent of £3,500,000 ; so that, instead of £6,800,000, the total excess of expenditure over income was £7,500,000. But he would point out to their Lordships that there should have been charged to the expenditure £970,000 for fortifications. It was very well for the Government to treat that as a separate charge, and to justify it as a mere addition to the permanent debt. If, indeed, the construction of the forts could be regarded as an outlay made once for all, there would be some reason for

putting the charge for fortifications—whether it were £2,000,000 or £10,000,000—to the public debt of the country ; but if they viewed it, as any man of sense must do, in reference to the improvements in mechanism, to the changes in the art of attack and defence that were taking place every day—the appliances of war that were constantly changing—he would be a sanguine Minister indeed who would venture to calculate that the two or three millions, whichever it might be, would be the first and last expenditure. To this total, therefore, they ought to add this £970,000, which would bring the deficit up to £8,470,000. Had the Government paid off the debt it engaged to pay in November, 1860—that debt of £2,000,000 bonds to which the right hon. Gentleman, above all others, was pledged—they would have this moment—but they had charged it on a future year instead—an excess of expenditure over income of £10,670,000. But how had they been able to tide over these things ? First, by allowing the Chancellor of the Exchequer to dip his hand into the Exchequer and draw out £2,684,000 from the Exchequer balances. The noble Earl (Earl Granville) said those balances were not much less than they had been for the last thirty years ; but the noble Earl forgot that the income and expenditure of the country had changed very considerably during that period, and they were, therefore, not to look to what was the case thirty years ago to guide them as to the balances to be retained in the Exchequer under existing circumstances. But the loss of three millions of balance took away from the Government a useful reserve, which they might fall back upon in any crisis arising. As it was, the Government was dependent on the Bank, and in the event of a monetary crisis the State would be placed in a position of a great embarrassment. The next means adopted to meet the difficulties in which the Government found themselves involved, was the appropriation of £881,000 repayments. What were the repayments ? Money which had been advanced by the State for public purposes. But the State had borrowed the money in order to make the advances, and therefore, when the repayments were appropriated to get rid of the difficulties of the year, to defray current expenditure, they were actually living on borrowed money, and taking that which ought to have been applied to the extinction of the debt of the country.

He did not think the noble Lord would question that view of the case, as it was the policy which had been recognised by successive Chancellors of the Exchequer. When Sir Charles Wood was Chancellor of the Exchequer he distinctly laid down that these repayments should go to the extinction of the debt. Lastly, on Mr. Gladstone's own showing, a new debt to the amount of £461,000 was created in 1860; and that, together with the items before mentioned, made a total of £4,026,000, which was exactly equal to the £4,000,000 deficit which had accrued during the last three years. The answer contained in those figures to the question how so large a deficit could have arisen, involved, he thought, a very severe condemnation of the policy of the Government. For it came to this, that they had created a deficiency, and they had met it by what he would not call a misappropriation, but by misapplication; by borrowing; by anticipating resources; by postponing the payment of the debt; by creating debt; by living on borrowed money, and by converting capital to the purposes of ordinary expenditure. And when, lastly, were all these improvident shifts and spendthrift expedients had recourse to? At a time when, of all others, there was the smallest justification—at a time when the taxes on tea, on sugar, and on income were at a high rate; when £2,000,000 of Exchequer Bonds were to be redeemed, and no one was more pledged than Mr. Gladstone to redeem them, and with the falling-in of the Long Annuities that pledge might have been redeemed.

He would now reply to two points which the noble Earl (Earl Granville) urged. The noble Earl brought forward arguments purely financial. He said, in the first place, they had effected a reduction of debt, and in the next, that they were effecting a reduction of expenditure. He would first deal with the alleged reduction of debt. How did the fact stand? In 1859 the total public debt was £805,078,000; in 1862 it was £800,757,000—showing a supposed reduction of £4,321,000; but from that, by the arguments of Her Majesty's Government, they had to deduct for fortifications £1,170,000—making a total reduction of debt of £3,151,000. But there was a further deduction which he made from this reduction. Their Lordships would not have forgotten the financial arrangements of the Government

of his noble Friend the Earl of Derby, by which £2,000,000 Exchequer bonds had been paid off. He could not therefore allow the Chancellor of the Exchequer to take credit for that reduction. Well, then, it came to this—that the reduction effected by Her Majesty's Government amounted only to £1,151,000—a sum very different from £3,500,000 or £4,000,000. And what was the process by which this modified and greatly attenuated reduction was effected? Simply by the conversion of stock into annuities. For that surely Mr. Gladstone deserved no particular commendation. It was a common banking operation. It was merely the acceptance of an increased burden for a time, in order to put an end to the obligation at a future time. He had, therefore, to a certain extent disposed of the alleged reduction of debt effected within the last three years. But if the calculation was taken on the two last years, during which Mr. Gladstone was wholly and solely responsible, the result would be even less favourable. On the 31st of March, 1860, the total debt was £802,190,000. On the 31st of March, 1862, it was £800,757,000, so that there was an apparent reduction of £1,433,000. Against this, however, was to be set £1,170,000 for fortifications, and £461,000 increase of debt, bringing up the whole amount to £1,631,000, and therefore showing an increase of £300,000 instead of any diminution in the public debt. But, again, the amount of the debt might be measured not merely by its amount, but by its annual charge. The charge of the debt in March, 1859, was £28,179,000, from which the Long Annuities were to be deducted—£2,147,000, leaving the real charge at £26,032,000. The charge, however, in March, 1862, was £26,043,000, leaving an increase of £11,000 against Mr. Gladstone, instead of a reduction. If their Lordships took the second argument of the noble Earl, they would find that he compared the estimated expenditure of the present year with the actual expenditure of last year. But was this a fair method of dealing with the question? If the noble Earl compared the estimated expenditure of one year, let it be with the estimated expenditure of another. But the noble Earl was following in Mr. Gladstone's mode of reasoning. Mr. Gladstone compared the estimated expenditure of 1862-3 with the actual expenditure of 1861-2. It was quite

true that the actual expenditure of 1861-62 was £70,838,000, and the estimated expenditure of 1862-3 was put down at £69,120,000, being a decrease of £1,718,000. But if their Lordships compared the estimated expenditure of 1861-62, £69,875,000, with the estimated expenditure of 1862-3, £69,120,000, they would find the decrease only £755,000—a very different sum from a supposed decrease of £1,718,000. But even granting a decrease of £2,000,000 in expenditure had been effected by the Government during the last two years, against that must be put the deficit of upwards of £8,000,000, to which he had already referred. Their Lordships had this consolation with other Chancellors of the Exchequer, that however tortuous their policy might be, the Legislature usually knew the object they had in view. But the only thing certain about the policy of the right hon. Gentleman was, that it was exactly the inverse and the contradictory of the language he had used in former years. Who had been so strong an opponent as the present Chancellor of the Exchequer of the war duties on tea and sugar? Who had so strongly condemned loans in time of peace as the Minister who had postponed the payment of the debt to another year, and had appropriated the Exchequer balances? Who had so bitterly denounced the income tax as a permanent source of revenue as the Minister who had increased it successively from 5d. to 9d., 10d. and 13d.? In these conflicting principles he confessed he could not see one spot on which the country could rest with security. In these troubled waters there was only one landmark in view, and that was the income tax, to which, as the only resource for the national credit of the country in any national emergency, the country was rapidly drifting. It was like that fabled mountain, to which we were gradually being brought nearer, until the moment was approaching when every bolt and bar was coming out, and when the ship must inevitably collapse and fall to pieces. The fiscal policy of the present Government seemed to him the more dangerous, because, whereas formerly there existed many sources of taxation, collected from many quarters, and affecting numerous classes, yet crushing none, and expanding with the growth and prosperity of the country, there was now substituted for this system one iron and despotic rule, which in the very nature of things must be unequal, and which was generally op-

pressive and unjust in its character. It was unjust, not only from the money that it extracted from the pockets of the rate-payers, but because this "gigantic engine for great national purposes"—as the income tax had been described by the Chancellor of the Exchequer—must be either large and exceptional in its character, or permanent in its duration and moderate in its amount. But in the financial policy of the right hon. Gentleman the income tax combined both disadvantages; for while it was becoming larger and larger in its amount, it was becoming more and more permanent in its duration. Every mistake of policy brought with it its own retribution, but the penalty was never greater than upon a mistake of fiscal policy. He believed that in every age fiscal revolutions were the precursors of social and political revolutions; while, on the other hand, a well-ordered finance was the fountain of every blessing that a country could enjoy, and that upon this public life and morality depended. He was a great admirer of the character and abilities of his right hon. Friend, but he could not be blind to the terrible evils of his financial policy. He would, in conclusion, most earnestly implore their Lordships, as one branch of the Legislature, to review the present state of our finance with sensitive scrupulousness, and, as it was their bounden duty and right to do, to watch with the utmost jealousy a system so new and so dangerous as that on which Parliament was now entering, but to which he hoped and believed the Legislature was not yet wholly and irrevocably committed.

**THE DUKE OF NEWCASTLE:** My Lords, the noble Earl has delivered a speech of remarkable ability and great clearness and lucidity of expression; but so far as this Bill is concerned, it was so modified by qualifications and reservations, that very little need be said in answer, if the noble Earl had not entered into that elaborate and personal attack upon the Chancellor of the Exchequer which characterized the greater portion of his speech. Perhaps, as a much older man than the noble Earl, I may venture to suggest to him, that when he applies the powers which he possesses to the examination of financial questions, he should avoid any attempt at ambitious oratory, and should rather give a most careful consideration to the truth and accuracy of those figures on which alone we

can form a correct judgment. When the noble Earl taunted the Chancellor of the Exchequer with having perverted his annual speech on the budget into an occasion for rhetorical display, I might, were I so disposed, retort the charge, and assert that the noble Earl has sacrificed a certain amount of truth, correctness, and justice to the pleasure of indulging in an oratorical effort. I think it would have been fairer if, while the noble Earl had not spared one remark which he felt called upon to make on the financial policy of the Government, he had abstained from those personal and severe remarks which he has made on Mr. Gladstone himself. Such remarks are all very well in the House of Commons, where my right hon. Friend can answer for himself, but I cannot help thinking that here they are not well placed. The noble Earl says that Mr. Gladstone is responsible for the expenditure of the country, and that he has no right to throw any of that responsibility on the public. I readily assent, and my right hon. Friend has in his place in Parliament denied the accuracy of some assertions which have been made with reference to the speech which has given occasion to those comments; and neither he nor any of his colleagues desire to shrink from any responsibility that justly attaches to us in regard to the public expenditure.

My Lords, it will not be possible for me to reply step by step to the elaborate figures of the noble Earl, because, from the rapidity of his diction, I could hardly follow one of his deductions before it was superseded by another subject. I can only take one or two specimens of his statements, remarking, that if the noble Earl is correct, this country is in a lamentable condition, more nearly approaching bankruptcy than that sound financial position in which, for my own part, I believe the country is now placed.

But before I go further into details, I must say a few words upon the form of the Bill, which my noble Friend characterized, on account of its embracing the whole financial operations of the year, as novel and extraordinary. Now, it can only so far be described as novel, as it was adopted last year for the first time after a lapse of some years; and although, when reintroduced, the matter was elaborately discussed in the House of Commons, it was never seriously resisted in either House. But, looking fur-

ther back, I entirely deny that it is a novel proceeding to include the whole financial scheme in one measure. On the contrary, the practice dates from the Revolution and the very best periods of our history; and although some persons have called it unconstitutional, I say that if the phrase constitutional means that which is sanctioned by the principles and practice of the best portions of our history, then the form of this Bill is strictly constitutional, and one to which we have a right to revert. No doubt it was the difficulty and embarrassment created by the vote of your Lordships two years ago which led to the renewal of what was formerly the invariable practice; but that any indignity is thereby offered to this House, or any impediment thrown in the way of its rights and privileges, I utterly deny. During the debates on the French Treaty, two years ago, Mr. Pitt's Act of 1787 was constantly alluded to. The noble Lord says this is one of the largest financial Bills ever introduced. I do not know whether or not that is so, as far as the mere amount of money is concerned; but Mr. Pitt's Bill certainly embraced far more numerous enactments, repealing some taxes, imposing others, and, in fact, reorganizing our whole fiscal system. And what was the course taken in reference to that measure of Mr. Pitt? A Motion was made to divide the Bill into two; but the House of Commons negatived the proposition; and again, when the question was renewed in your Lordships' House, as to the propriety of embracing the whole financial measures of the year in one Bill, the Amendment was rejected and the principle was confirmed. The same course was taken with the Bill of 1808, and the Bill of 1808 also comprehended provisions for both imposing and repealing taxes; it imposed those taxes for a period of one year only; and, to carry out the parallel still further, those taxes were re-enacted annually down to 1822. I do not wish to insist too much upon precedents, though I could, if necessary, bring forward scores of Acts subsequent in date to those to which I have referred, in which new taxes were imposed, existing taxes remitted, and even the taxes appropriated, all within the limits of one Bill. But I say, further, that that is not only the constitutional but is the most convenient course. I ask whether on the occasion of every Budget we have not repeatedly heard it remarked that it could

be more conveniently considered as a whole. In 1860, when there were four or five distinct financial Bills, in the absence of my noble Friend the Lord President, I was allowed by noble Lords opposite to move the second reading of some of those measures, and to pass them *sub silentio*, so that the discussion might be taken upon a single point in a future Bill; and not only were several of those Bills allowed so to pass, but the Standing Orders were suspended to enable them to go through various stages on the same day. This House has just as much right to reject the present measure, if it thinks fit, as it had to throw out the repeal of the paper duty; or it may, if it chooses, make amendments in it. I know, indeed, that the latter proceeding would be tantamount to the rejection of the Bill, because, if we amended it here, the other House would throw it out when it went down again to them. But I maintain that for this further reason it is better to include the entire financial scheme in one measure, because then, if this House should resort again to the course that it took two years ago—which, however, I sincerely trust it will not do—the House of Commons would have an opportunity of reviewing the financial position of the country as a whole. My Lords, there are plenty of high authorities who uphold the present form of this Bill; and I appeal to the noble Lord opposite whether he can safely disapprove a course which has the sanction of Mr. Walpole, and Sir William Heathcote, gentlemen who sit on his own side of the other House of Parliament—Mr. Walpole, moreover, having been Chairman of the Committee of the House of Commons which considered the question of how far the privileges of that assembly were affected by your Lordships having thrown out the Paper Duty Repeal Bill. I say then, we have high authority, not confined to one political party, for asserting that this measure is in its form accordant with constitutional principle and established usage. My noble Friend opposite touched lightly on the other objection raised to the form of the Bill—namely, that it is annual. Now, he must remember that it was formerly held essential to the proper control of Parliament that certain taxes should be voted annually only; and that principle was followed till the year 1846, when a longer period for their duration was adopted in the case of the Sugar Duties on grounds of convenience, not so much con-

nected with finance as with the interests of trade.

My Lords, I must express my satisfaction that in dealing with this question the noble Lord has neither complained of the extravagant character of our expenditure nor declared his opinion adversely to the armaments which, upon the recommendation of the Government, have been sanctioned by Parliament. I rejoice that we have not heard from him—what would I am sure be exceedingly unpalatable in this House—any denunciation of “bloated armaments.” So far from that, the noble Earl says we have done nothing but what is right in respect to our defensive establishments, and he even refuses to give us any credit on that score. Now, we do not claim to ourselves any merit in this matter; but we do think it necessary to justify ourselves when attacked for what we have done; and attacked, too, by a leader of the party to which my noble Friend opposite belongs. Why, we have not only been assailed, but have been condemned most strongly; we have not only been told that we are preparing armaments beyond the necessities of the case, but we have been asked to declare the country against whom we are arming, and we have been told that we are irritating other Powers and bringing on those quarrels which a more economical policy would prevent. Now, although my noble Friend opposite says he believes we have done our duty in this respect, and nothing more—in which opinion I entirely concur with him—at the same time, I hope he will agree with me that those who are politically associated with him in another place have no right to throw out against us any one of the taunts to which I have referred. We have been told that ours is an increasing expenditure; and although the noble Earl disputed the figures of my noble Friend the Lord President, I do not think he was able to deny that we have considerably reduced the expenditure of the country, and that, too, while we have improved and strengthened our means of meeting it. The simple fact is this—that whereas the expenditure of 1860-1 was £72,504,000, the expenditure of 1861-2 was £70,838,000, thus showing the expenditure of 1861-2 to be less by £1,666,000 than that of 1860-1, and the estimated expenditure for the present year, minus the Indian charge, &c., less than that of 1861-2 by £1,833,000, and less than that of 1860-1 by £3,499,000. The

noble Earl complained of our comparing the estimated expenditure of one year with actual expenditure of another ; but it is clear that we can only give the estimated expenditure for the current year, always admitting that it may not turn out to be quite accurate. The noble Earl referred to another point. With regard to the remission of taxes, I say we are not in that hapless condition which the noble Earl represented. I have no personal knowledge of the figures I am about to quote, but I have derived them from a source which cannot mislead. I say then, my Lords, that the taxes imposed during the last three years as compared with the taxes reduced or repealed amount to only £1,050,000. But my noble Friend seemed, as I understood him, to deny that there had been any reduction of debt. So far from that, in March 1859 the funded and unfunded debt of the country amounted to £805,017,000 ; whereas in March 1862 it amounted to £800,770,000, showing a reduction of upwards of £4,000,000. I entirely agree with him that there was an addition to the debt of £1,170,000 for fortifications ; but that left a balance of debt redeemed to the extent of £3,170,000. It is quite true, as my noble Friend stated, that extraordinary resources were had recourse to for the financial arrangements ; but, said my noble Friend, it is not fair to quote the state of the balances for the last thirty years when the Estimates have increased ; but the President of the Council said the balances were 50 per cent higher than the average of the last thirty years, and therefore there was an ample margin left for the increase of the expenditure. With reference to the attack made on my right hon. Friend, Mr. Gladstone, the noble Earl will forgive me for saying that, after the pains he has evidently taken with his figures, I am surprised at the many inaccuracies he has committed. As his statement proceeded, I could at once detect great fallacies—I do not say intentional unfairness. My noble Friend says that there was but one year in which Mr. Gladstone distinguished himself, as Chancellor of the Exchequer, by not making great miscalculations. Now, I believe you will find it rare indeed that any year occurs when the Chancellor of the Exchequer, be he Mr. Gladstone or any one else, is proved to be perfectly accurate in his estimates ; circumstances always arise in the twelve months which

change the calculations on one side or another. But when my noble Friend says that Mr. Gladstone was invariably in error on the wrong side, and always showed a deficiency when he had calculated on a surplus, I must be allowed to say that the fact is not so. One great miscalculation he certainly did make in 1859-60, but it was on the right side ; he calculated upon a balance of half-a-million in his favour, and was gratified to find a surplus exceeding £3,000,000. But, my Lords, this subject must not be treated as one personal to Mr. Gladstone, although a great part of my noble Friend's speech was an attack upon him. We are here not to question Mr. Gladstone's calculations, but to look at results ; and the results of the financial measures of Mr. Gladstone have been eminently satisfactory. The noble Earl says that Mr. Gladstone in 1861 miscalculated to the extent of £2,600,000. Well, the deficiency did, I believe, amount to that sum, but Mr. Gladstone always calculated on a deficiency of £1,300,000 ; therefore, so far as the miscalculation was concerned, it was just half the sum stated by the noble Earl. But, while my noble Friend was unfair to Mr. Gladstone, he was—I do not know how to characterize his statement, whether as fair or unfair, but certainly he made an assertion to which your Lordships must have listened with wonder, with reference to his right hon. Friend who was Chancellor of the Exchequer under the noble Earl opposite. He says Mr. Gladstone inherited from his predecessor in 1859-60 that flourishing state of things which enabled him to obtain a surplus in the following year. But my noble Friend has entirely forgotten the state of the finances at the time when the Government of the noble Earl left office. We did inherit something, it is true, from our predecessors ; we inherited their expenditure, but not the means of meeting it. My noble Friend says that Mr. Gladstone had the full benefit of the fiscal arrangements of Mr. Disraeli. I do not mean to go back and criticise the fiscal arrangements of Mr. Disraeli ; if I did so, I might remind him—when my noble Friend made it matter of complaint against Mr. Gladstone that he deferred payment of £2,000,000 of Exchequer Bonds when they became due—that he only followed the example of Mr. Disraeli, who did the same thing. Three-fourths of the speech of my noble Friend was a bill of indictment against Mr. Gladstone, and I

cannot doubt, knowing my noble Friend's good taste, that to-morrow, when he reads his speech, he will regret many of the references he made. Perhaps, my Lords, I have sufficiently alluded to what my noble Friend said about Mr. Gladstone, avowing that the Government take on themselves the joint responsibility of all he has done; and it is high time that I should now address myself to some more general considerations. But there was one other point touched upon by my noble Friend so essentially unfair to Mr. Gladstone that I cannot altogether pass it by. My noble Friend charges against Mr. Gladstone a policy in former years which led to extravagance, and says that the policy which then actuated him is getting us into further expenditure. My noble Friend said that Mr. Gladstone when formerly in office was a party to sending out a body of troops to Malta to bring them back again—meaning that they were sent without any intention of their being engaged in military operations. Now, the troops never were sent to Malta in 1854 with a view of being brought home again without striking a blow. The whole thing is an invention, as the documents will show. But if it were true, who was to blame for it? Not Mr. Gladstone, whom my noble Friend has brought into the arena, but myself. I was the individual to blame for it, if so weak and foolish an act were really committed. But, as I have said, the whole thing was an invention, although unhappily the story was very current at the time.

My noble Friend says that the tendency of Mr. Gladstone's miscalculations has been to destroy confidence and strike at the roots of public morality. I would recommend my noble Friend to go into the City and ask whether the converse is not the case—whether under such adverse circumstances there has not been less fluctuation in the funds than, perhaps, at any former similar period; and as to destroying public morality, I am wholly at a loss to conceive how any fiscal measures of the Government can be fairly represented to have had such an effect. My noble Friend, after talking of public morality, asks how Mr. Gladstone can dare to do as he has done. Mr. Gladstone is not responsible solely for the financial measures of Government; but, if there be a public man who is firm of purpose, I might say obstinate in adherence to his opinions, it is Mr. Gladstone. My noble Friend maintains, as might be expected, that there is no surplus; that is

really the gist of the whole matter. The noble Earl, at the same time, has admitted, what has been denied elsewhere, that the present is an exceptional year, and that in the face of the distress which exists in some parts of the country, of the great armaments which we are obliged to maintain, of the war in New Zealand, and of the threat of war hardly yet passed off from the United States, we cannot regulate our financial arrangements as we have done in more peaceful and prosperous times. In making that admission the noble Earl has admitted pretty nearly the whole of the case; for, after all, what really is it that he wants in the shape of a surplus? I have heard it said that we ought to have a surplus of £2,000,000. It has never been the practice to provide such a surplus, and I much doubt whether such a surplus would ever be allowed by the House of Commons. The noble Earl has said it is monstrous to hear the Chancellor of the Exchequer declaring that he is liable to have demands made upon him by the majority of the House of Commons, and that he therefore cannot do what is right. But there is no doubt of the fact. It is notorious that at a time when the public did not expect a surplus, but contemplated an additional penny of income tax on account of the *Trent* affair, a Motion was made in the House of Commons, and supported, moreover, by hon. and right hon. Gentlemen on the Opposition side, for the reduction of a large amount of taxation. Even supposing that a surplus sufficient to satisfy the noble Earl could be obtained, which it could not be without the imposition of taxation, what would happen to it? It might be disposed of by a Motion such as I have mentioned for the removal of taxation prejudicial to certain interests; or if it escaped that danger, it would be made to disappear in another manner equally unsatisfactory in such a year as the present. Does my noble Friend know that there is such a body as the Commissioners for the Reduction of the National Debt, who meet at the beginning of every quarter to examine the accounts and inquire whether there is any surplus? If there is a surplus, what do they do with it? Do they leave it with the Chancellor of the Exchequer to meet contingencies? Certainly not. The Commissioners are not only enabled, but compelled by law to appropriate every quarter the surplus revenue of the preceding twelve months to the reduction of the national debt;

so that while, for the purpose of obtaining a large surplus, you were imposing £2,000,000 of taxation upon the people, you would in fact, be appropriating that amount to the reduction of the national debt. Probably, however, the noble Earl does not contemplate so large a surplus; very likely he would be content with an ordinary surplus. Well, the surplus estimated for this year is £180,000. Our surpluses upon the average do not exceed £400,000 or £500,000, and I ask whether it is worthy of your Lordships to wrangle as to whether the surplus for the present year should consist of £400,000 or £180,000? The noble Earl and his Friends in the other House were not always so extremely anxious about a surplus. What was their conduct last year? The proposal of the Government then was to reduce the income tax by one penny and to repeal the paper duty. Did the Opposition say that we were going too far in the way of reduction, and that we ought to provide for a large surplus? No; they gratefully accepted the reduction of the income tax, and, instead of saying, "We will not repeal the paper duty, because it is necessary you should have the money in your pockets," they proposed to repeal another tax which produced a larger sum than the paper duty. If they had succeeded in accomplishing their object, our estimated surplus of £450,000 would have been reduced to the extent of £285,000, the amount by which their proposed reduction exceeded ours; in other words, they would have left us with a surplus smaller than that which we have submitted to Parliament this year. I contend that there is little consistency in such conduct, and that if we have erred in proposing a surplus of only £180,000, the noble Earl and his Friends are not the men to find fault with us. The noble Earl said he did not deny the buoyancy of the revenue and its power of recovering itself, although he seemed disposed to dispute the figures quoted by the President of the Council. It is a fact that within the last few years, notwithstanding many and large reductions of taxation, involving the extinction of numerous independent sources of revenue, the produce of the remaining duties has increased to the extent of something like £13,000,000, which of itself is a sufficient justification for the policy we have recently pursued. The revenue in 1858-9, miscellaneous deducted, was £63,351,000, and in 1861-2 it was £67,827,000. But

there were taxes received in 1861-2 which were not in force in 1858-9, and which yielded £1,790,000. Deducting that sum, the comparison stands thus: revenue in 1858-9, £63,351,000; in 1861-2, £66,037,000, showing an increase of £2,686,000, or about £900,000 per annum. I need hardly say that the revenue in both years was derived from the same or equivalent sources. Then strictures have been made upon the commercial treaty with France, and prophecies of evil have been freely indulged in, but the result shows how unfounded these charges are. In fact, I am afraid I must say that it comes to this—there seems to be a determination on the part of the Opposition—I do not complain of it—to bring charges against the budget, whatever it may be. We were told that the budgets of 1860-1 and 1861-2 were of too ambitious a character, and last winter hopes were expressed that we were not going to bring forward what in American phrase was termed a "sensation" budget. Well, the budget we have produced is neither an "ambitious" nor a "sensation" budget, and we find it complained of for its simplicity. The noble Earl has painted a picture which, if true, would show this country to be on the verge of ruin and frightful bankruptcy; and if the picture he had drawn be a correct one, there is not a country in Europe which is not happy and prosperous in comparison with our own. We have had evil prophecies before on financial questions. As to the French treaty, we have been perseveringly told that while it would benefit the rich, it would be the ruin of the poor. Has that prophecy been fulfilled? Why, £10,000,000 have been received by the people of this country for exports to France beyond what would have been received if the treaty had not been entered into, and to this amount the manufacturing interests have been compensated for the loss they have sustained through the civil strife still raging beyond the Atlantic. Before I sit down, I wish to remind my noble Friend on the cross benches (Lord Overstone) of the unfavourable estimate he formed two years ago of our financial condition, and of the measure to which he prophesied that the Government would in consequence be driven. The apprehensions which my noble Friend entertained upon that occasion have certainly not been realized. My noble Friend believed at that time

that a large addition would be made to the income tax in the following year ; but the income tax had been diminished by a sum of £1,000,000 in the year 1861, and £1,000,000 of Excise taxation has at the same time been remitted ; while in the present year no addition has been made to the income tax. I believe I have noticed all the main points in the address of the noble Earl who preceded me ; if I have left any of the minor details of the question untouched, it is only because it is impossible for any one to refer, without special preparation, to statements founded on minute and complicated financial accounts.

LORD OVERSTONE, who was very indistinctly heard, was understood to say, that he could not help—though he did it with regret—expressing an unfavourable opinion of the financial measures of a Government of whose general policy he entirely approved. He could not, however, conceal his conviction—a conviction which was, he believed, shared by many persons of experience on the subject—that the management of our national finance during the last two years had been of a very perilous character, and had led to results neither satisfactory nor safe. The noble Duke (the Duke of Newcastle) had charged the noble Earl (the Earl of Carnarvon), on very insufficient grounds, with having introduced personal considerations into the question, and with having made a personal attack upon the right hon. Gentleman who had the conduct of the financial affairs of the country. Towards that Gentleman he entertained the highest personal respect. There was no one whose good opinion and friendly feeling he would be more unwilling to alienate. But, whilst thus, he might say, loving the criminal, he must condemn the crime. In dealing with the subject, therefore, he could not be supposed to be actuated by the slightest hostility to the eminent man who was mainly responsible for that policy; and his sole claim to the attention of their Lordships, in bringing his views under the notice of their Lordships, was that the subject had been enveloped with so much ingenious rhetoric and such a blaze of delusive eloquence that he did not believe the plain simple facts of the case were really understood by the public. The principle of learning to see ourselves as others see us was one upon which it was well to proceed in the financial affairs of a nation, as in the private affairs of individuals ; and in the full belief, that if the financial course

pursued by the Government were clearly and plainly understood by the public at large, they would not consent to its continuance, he ventured to address to the House the few remarks which he was about to make. In the beginning of the year 1860, by the falling-in of the Long Annuities and other Terminable Annuities, the charge upon the public revenue was relieved to the extent of over £2,000,000, and, notwithstanding that circumstance, we had since had recourse to financial expedients of a character more or less dangerous. It was difficult to state any possible form of objectionable financial procedure to which we had not resorted. We had converted capital into income, we had seriously diminished our balances in the Exchequer, we had added to our debt, and we had repealed taxes without a surplus revenue. Year by year and quarter by quarter official acknowledgments of the excess of our expenditure over income were published, and we were now presenting to Parliament and the country financial arrangements for the coming year, of which he had never yet found a man of common sense who would venture to pronounce that they were sufficient for the purpose, or that the asserted surplus had any reality. We had converted capital into income by anticipating the payment of a large amount of taxes. Our next step had been to repudiate the payment of our Exchequer bonds, although, when those bonds were issued, it was promised that they should be repaid on the return of peace, and that every effort should be made to pay off in the first years of peace the burdens incurred in time of war. Although he thought it was very inexpedient to enter into any such engagement, and had never approved of the policy of issuing those Exchequer bonds, yet, as it had been solemnly entered into, it became necessary for the credit of the country that it should be firmly carried out. But not only had that not been done, but, notwithstanding various illegitimate devices to support the balance of revenue against charges to which he had alluded, those bonds had been renewed instead of having been discharged and cancelled. What had been the result ? They lie in the hands of the Bank of England, not negotiable with the public ; and thus in reality constitute but another form of borrowing money from the Bank. Moreover, in addition to the renewal of those bonds,

new bonds to the value of £600,000 had been issued, thus creating an increase of debt. But, passing on to the diminution of the Exchequer balances, he should beg their Lordships to bear in mind that that diminution was in reality equivalent to a deficiency of revenue as compared with expenditure. Their Lordships had, indeed, been told by the noble Earl the Lord President, that those balances had not been diminished below the average of the last thirty years; but he might be permitted to say that that had nothing to do with the question at issue. The only mode of justly estimating the state of the Exchequer balances was to look at the amounts since the passing of the Bank Act in 1844. When that great monetary arrangement was made, the Bank Directors informed Sir Robert Peel that they were prepared to carry on the affairs of the Bank under the restrictions imposed upon them by that Act, but upon the undertaking that the Exchequer balances should be kept full and efficient, so that there might be no chance of a pressure being put on the Bank at an inconvenient moment of monetary derangement or disturbed state of credit. Under these circumstances, the state of the balances at any time previous to the year 1844 could not fairly enter into any estimate of their present condition. The balances had diminished during the last two years to the extent of £2,600,000. The noble Earl said that the demand of the Government on the Bank for a recent payment of the dividends amounted to a sum not worth speaking of; yet it should be borne in mind that the Government ought, under all contingencies, to be able to provide for their various demands, without improper pressure upon the Bank of England, whatever fluctuation should occur, from the complicated nature of the transactions of the country, or the various accidents by which the revenue may be affected. Hence the great importance of not permitting these balances, for purposes of immediate convenience, to be permanently reduced. It was believed by many—and amongst them men of competent knowledge and authority—that the balances were reduced at present to a point which placed them in an anxious and unsatisfactory position. Coming now to the budget for the present year, the Chancellor of the Exchequer, after scrambling and scraping in every direction, could only present us with an estimated surplus of £180,000. The announcement

of such an estimated surplus, in the realization of which no well-informed person placed the slightest confidence, was itself an element of danger in our system of national finance. Some persons might, indeed, say that a provision for a large surplus could not in these days be expected to be made; yet he thought that they had a right to ask Government to hold out the expectation, at least, of such a surplus as would make persons who understood financial affairs feel confidence that there would not be a further succession of balance-sheets showing an excess of expenditure over revenue—in other words, a chronic state of deficiency during a period of peace. There was nothing to prevent this from being done, for the resources of the country were not worn out, our commercial industry and energy were not paralyzed, the public spirit of the people was not exhausted, nor were they unwilling to bear whatever burdens might be necessary for the credit, or for the safety and honour of the country. Their Lordships received from time to time, with great satisfaction, assurances from the heads of Departments that the dockyards were well supplied, that our fleets were maintained in an advanced state of efficiency, and that the military arsenals were well stored. But there was an arsenal of another kind of even greater importance, in the more immediate neighbourhood of their Lordships' House—the arsenal in Downing Street; and it disturbed his feelings, and seriously impaired his confidence, when he saw the resources which ought to be there accumulated undergoing continual diminution. Allusion had been made to the French Treaty, and to the part which he had taken in the discussion of that Treaty on a former occasion. He had within the last few days read over with attention the words he uttered two years ago in reference to the French Treaty, and he was now prepared to repeat them—or, if he were to vary them at all, it would be for the purpose of expressing them in a still more emphatic manner. His opposition to the policy of subjecting ourselves to the obligations of that treaty, and that of those who felt with him, was not dictated by any jealous feeling as to extended commercial intercourse with France, still less by any doubtful or qualified allegiance to the principles of free trade. They objected to the treaty as being both an unsound and a dangerous mode of bringing those principles into operation—unsound

in principle ; dangerous in its probable practical results. They maintained that every country, taking an enlightened view of its own interests, would liberalize its commercial code to the utmost practicable extent. That in so doing it would necessarily promote its own true interests, whatever might be the course pursued by other countries. That other countries, observing the beneficial results of their liberal legislation, would be led spontaneously, and therefore in the safest and most certain way, to the adoption of the same course. That the attempt to make free-trade measures a matter of mutual bargain, must necessarily weaken public confidence in the soundness of those principles ; and introduce, unnecessarily, many causes of international jealousy and dissension. They said, "Repeal whatever Customs duties you can safely part with, and which in any way restrict free intercourse with other countries ; and having done this, place your reliance upon the results which must ensue ; trust to the force of your example and the beneficial results arising from it, rather than to treaty obligation, as the best foundation on which to establish free commercial intercourse with France. If your imports are largely increased, these must be paid for by a corresponding increase of exports." They urged that these principles had been deliberately adopted and acted upon by this country as the basis of its commercial policy ; that we had already repealed protective duties extensively, without seeking reciprocity through treaty obligations ; and further, that the result of this enlightened policy was won producing its legitimate effects upon other nations ; that the French Government had clearly perceived the necessity of liberalizing its commercial system, with a view to its own internal prosperity and progress. For these reasons they objected to the Commercial Treaty, as opposed to sound principles of free trade, and to the system of commercial policy which had been deliberately adopted and acted upon by this country. They further urged that the treaty involved the obligation of immediately repealing taxes, the maintenance of which was not inconsistent with the principles of free trade, and which, in the existing state of its finances, this country could not properly part with ; and that it also restricted free discretion in the management of our financial arrangements hereafter.

With regard to the terms of the treaty, they urged that a treaty, if entered into at all, ought to secure equal and reciprocal advantages for both parties ; that the terms of this treaty were entirely one-sided and extravagant — giving on the part of this country absolute freedom from protective duties, but securing to the other party the right of imposing protective duties to the extent of 30 per cent. What has been the result ? The terms thus conceded on our part were at once found by the French Government to be so excessive, that, looking to their own interests alone, to act upon the terms of the treaty would be to nullify the advantages of it even to themselves. They have, consequently, lowered, of their own free will, their import duties far below the amount which the terms of the treaty conceded to them the power of levying. The international trade which may now arise, and whatever benefits may accrue from it, are due, not to the terms of the treaty, but to the more liberal terms which the French Government has, of its own free will, accorded. The French Government has, in fact, made for, or granted to, England, a better and more liberal treaty than their own Government or their negotiator ventured even to ask for. But why has the French Government thus relaxed the terms of the treaty ? Not from consideration for English interests, but because it had arrived at the conviction that a nearer approach to free trade than that secured by the terms of the treaty was essential to the interests of France herself. Does not this clearly prove that the more liberal commercial code of France, and the extended intercourse with that country, is the result, not of the treaty, the terms of which have not been enforced, but of more enlightened views on the part of the French Government ; springing out of their observation of the prosperity which England has derived from free trade, adopted without reciprocity treaties, and which have led that Government to adopt a scale of import duties much lower than that which the treaty authorized them to enforce. The French Government themselves thought the duties the right to levy which had been conceded by this country so excessive, that they actually lowered the *ad valorem* duty of 30 per cent upon textile fabrics to 15 per cent, and the duty upon glass, porcelain, and other articles, to 10 per cent. On the following articles—the duties on which, by virtue of the terms of the treaty,

might be 30 per cent *ad valorem*—the duties actually levied by the French Government are—

Textile Manufactures—Cotton, Linen, Woollen,	
Silk (generally) . . . . .	per cent <i>ad valorem</i> . . . . .
Stone Ware and Earthenware . . . . .	20
Cutlery . . . . .	20
Leather . . . . .	
Glass and Porcelain (generally) . . . . .	10
Carriages . . . . .	

Upon many other articles duties are levied much less than those which might be levied under the terms of the Treaty; but being specific, and not *ad valorem* duties, it is difficult to state the exact amount of reduction. It thus appears that the interchange of commodities now going on between France and England is by virtue, not of the terms of our original treaty, but of the more moderate and reasonable terms voluntarily conceded by the French Government. He had not intended to address their Lordships that evening, but the remarks which had been made upon the French Treaty had induced him to rise; and the few observations which he had offered, had altogether for their object to bring the people of this country to a clear understanding of the facts of the case as regards the French Treaty and our recent financial arrangements.

EARL GREY: My Lords, after the able speech of the noble Lord who has just sat down, as no member of Her Majesty's Government seems inclined to rise, I must take the liberty of offering a very few observations. Your Lordships' attention has been called to the unsatisfactory condition of the finances of the country, and it remains clear upon the statement made, and which has not been denied by Her Majesty's Government, that within these few years we have incurred a deficit of about £5,000,000; and, more than that, that we are entering upon the year to come with financial arrangements which it has been justly observed but few men can understand. My noble Friend has justly said, that for the safety of the country, to maintain our credit and to keep the Exchequer in a proper state are no less essential than to have our military and naval affairs in proper order. We have had some attempt on the part of Her Majesty's Government to defend the policy which they have adopted. We are told, if there has been a deficiency, it has arisen from the exceptional circumstances of the year. Now, my Lords, it appears to me that this is a dangerous doctrine. I remember a

time when a very different doctrine was held in very different circumstances. I remember that in 1854 it was stated, on the highest authority, that even entering upon a great European war, it was our duty, if possible, to avoid any addition to our debt; and that if an addition was found necessary, it ought, at all events, to be deferred until the nation had made every effort to avoid that necessity. I am afraid, when the country is involved in a great European war, it will never be possible to avoid the creation of debt; but I do say that it is most important, that except in a very great exigency from that or some other cause, debt should not be incurred. If we look back to the circumstances under which we have added to our debt in late years, I think it is perfectly clear that there was nothing to justify that addition. The first addition was made in 1860-1, in which year there was an admitted excess of expenditure of £2,500,000; but a real excess, if you make allowance for capital employed as income, to a much larger amount. How did that excess arise? As my noble Friend has stated, mainly from the repeal of taxation at the commencement of the Chinese war. Now, my Lords, though I have stated that a great European war will probably always make it necessary for this country to have recourse to loans, I do not think the same thing is true in the case of those minor hostilities in which we are sometimes unhappily engaged in remote parts of the world. The whole expense of the Chinese war, as we have been told, was somewhere about £7,500,000, and that expense was spread over two years. It is true that is a very large sum in itself, and I think it very large, especially when I remember that it has been incurred, not to promote any real interests of this country, or to provide for its safety, but rather in pursuance of a policy very much akin to the famous policy of the boy who killed the goose which laid the golden eggs; because we have given a blow to the Imperial authority in China by which the tranquillity and security of that country are endangered, and we shall probably see the Chinese empire involved in anarchy and confusion, which cannot fail to be most fatal to ourselves. But, apart from any questions of policy, assuredly this sum of £7,500,000, not entirely incurred in a single year, affords no adequate excuse for involving ourselves in debt. That sum, if laid before Parliament at the proper time, would have been

provided for without anticipating our resources. But what was done? In the February of that year, the Budget so well known as "the ambitious Budget" was brought forward. In that Budget there was a most ludicrous and inadequate estimate of the expenses of the Chinese war. A vote of credit for £500,000 was taken, and certain additions to the naval and military Estimates were made on account of that war; but, altogether, the estimate was ludicrously insufficient. Attempts were made in this and the other House of Parliament to obtain some information from the Government, because every one that knew what was going on knew that the Estimate was insufficient. I myself sought for information, but was refused, and Parliament was kept entirely and completely in the dark until all the financial measures proposed by the Government had been passed, with the exception of one, which, by the wise foresight of your Lordships, was rejected. After those measures were safe, the Chancellor of the Exchequer, in July, went down to the other House of Parliament, and presented a little bill for expenses not previously made known, to the amount of £3,300,000. This is a charge which could not have been unexpected, but which, on the contrary, must have been foreseen; because, on the Motion of Sir John Pakington, a Return was made to the other House of Parliament, showing the dates at which orders were given for sending the various troops and stores to China. It appeared that these orders began as early as November, 1859, and that very few were given after the meeting of Parliament. From these materials it was not, I admit, possible to form an exact calculation of the expenses of these preparations; but still it would have been easy to say, "Here are the measures ordered and in progress;" and it would then have been obvious that the preparations must cost a very large sum beyond what was made known to Parliament, and provision ought to have been made accordingly. My Lords, in July this little bill of £3,300,000 was presented to Parliament. The sum of £1,000,000 was fortunately provided by the paper duties, which had been saved by your Lordships' interference; and the remainder was met, partly by additional taxes, and partly by draughts on the balances in the Exchequer. This was the mode in which the deficit arose in the year 1860-1—and let me remind your Lordships that that was a

year of the greatest prosperity that this country had ever known. There never was a year in which it was so unnecessary, with a view to the relief of the people from severe burdens, that taxation should be repealed at the risk of creating a deficiency in the revenue. The next Budget showed a small surplus, but this was arrived at in a manner which every person of experience saw to be fallacious. For myself, I urged upon your Lordships that this surplus would never accrue, and that, independently of all other miscalculations, there were two obvious errors which would alter the result. One of these errors was the China money. The sum of £750,000 of the China indemnity was calculated upon, although on the face of the papers laid before Parliament it was perfectly clear that no such sum could be realized within the year. Instead of £750,000, what was really available was little more than £270,000; so that there was a falling off of nearly £500,000 from this source. Again, very little allowance was made for the probable effect upon the trade of the country of the civil war in America, which was already commencing. It was quite obvious that there was great danger that one important branch of our manufactures would be liable to great depression, and this apprehension has been justified by the result. It was impossible to suppose, that with a failure in the supply of cotton, the Excise consumption of the people could be kept up. The old rule used to be, that in estimating the finance of the following year no receipts should be reckoned upon except those which, as far as human foresight could discover, were quite certain; and that, on the other hand, in providing for expenditure, a fair margin should be left for excess over the estimate. But the Budget of 1861 was framed on a directly opposite principle. Every resource of income which might possibly come in was swelled to the utmost, while the possible expenditure was put down at the lowest amount. To that principle we owe the deficit. In consequence of the apprehension of a rupture with America, a large expenditure was incurred in transporting troops to Canada. For that I attach no blame to the Government. I believe that that expense was wisely incurred, that it was a measure of true economy, and that to our prompt preparations against possible hostilities we owe our escape from the great calamity of war; but I do contend that this extra-

dinary expense was one that ought not to have taken us by surprise, and we ought to have been prepared to meet such a charge without incurring fresh debt, by financial arrangements which would have left a sufficient margin for so probable a contingency. My Lords, there is another point to which I wish to call your attention. You have had a deficit for two years. Some persons say that arises from the enormity of our expenditure. I do not altogether concur in that view, yet I am bound to say that I think this expenditure is higher than it need be. I should be the last to recommend any diminution in our means of self-defence. In the actual state of the world it is absolutely necessary that our army and navy should be kept up in an efficient state, and that preparations should be made by which we should be able to protect ourselves in the event of war. Yet I still believe that with proper economy this might be done at much less than the present expenditure. After the lamentable failures which marked the commencement of the Russian war, and the deplorable exhibitions which then occurred through the want of foresight with which that war was undertaken and conducted, there has, I think, arisen a tendency to excess on the other side, and there is now a disposition in the management both of the army and navy to run to greater expenses than are absolutely necessary, in the endeavour to have everything of the most perfect character. I think that with proper judgment the enormous expenditure under these heads may be reduced. I am not satisfied that all has been done that can be done in relieving the country from charges for foreign garrisons, and other expenditure beyond our own shores. In our civil expenditure, likewise, I think there is no inconsiderable room for the exercise of a wise economy. But on this subject I wish to remark that for the public expenditure, whatever it may be, the Government are responsible. They frame the Estimates. If they submit them to Parliament, and if they, looking to the whole situation of the country, say that our armaments do not admit of a safe reduction, they are bound to propose some means of raising the necessary revenue, so as to prevent our incurring debt. I protest against the practice of the Government proposing a large expenditure and endeavouring to reconcile the country to the dangerous course of failing, in time of peace, fairly to meet its expenditure, by pretending that we are placed in

what they call exceptional circumstances, and by dwelling upon the great benefits derived from the repeal of taxation. The repeal of taxes, I do not deny, is often a great relief to the country; but I entirely deny that, because the relief from taxes is a benefit, that is a reason which justifies the Government in throwing upon the future the burden of the expenditure incurred for the present time. I also observe a disposition on the part of the Government to throw on the Parliament and the nation the responsibility of keeping up a large expenditure. I could not help being struck, in a report of a speech made by the Chancellor of the Exchequer at Manchester, with an observation which he addressed to the inhabitants of that great city. He told them that, no doubt, the great excess of expenditure was partly caused by real necessity. "Partly caused by real necessity!" Does that mean that the Chancellor of the Exchequer calls upon Parliament to sanction an expenditure which he believes is only "partly necessary"? The right hon. Gentleman went on to say, that if the nation chose to have a large expenditure and pressed it on Parliament, and if Parliament pressed it on the Government, the Chancellor of the Exchequer had no power to resist it. Now, I admit that the Government are a good deal pressed by Parliament, and I admit also, that whatever may be their duty, it is not always possible for them to resist that pressure. But if it be really true that we are now spending annually more than we ought to spend, and that that excessive expenditure is in part due to the disposition of the nation and of Parliament to press expenditure upon the Government, what, I ask, ought to be their policy? Should it not be to make the nation feel, that if it will have expenditure, it must provide the means by which that expenditure can be honestly met; that if it will spend money, it must pay taxes? Has not the financial policy of the last three years been the reverse of this? Have we not been spending upon the largest scale, and, at the same time, as my noble Friend (Lord Overstone) has just shown you in a manner the most conclusive, meeting that large expenditure by every spondfthrift device? You have been anticipating resources by every means in your power; you have been calling up credits, diminishing balances, increasing debt, postponing to a future period the pressure which a large expenditure must

necessarily create, and which must come some time or other, and with greater severity the longer it is deferred. Against that system I join with my noble Friend in protesting. I think it is most dangerous to the future welfare and the future credit of the country, and I cannot help thinking that the present state of our finances is such as to create the greatest alarm. My noble Friend the Lord President said, that it was a serious state of things, but that no real occasion for alarm existed, as the resources of the country were untouched. Now, I should, perhaps, agree with my noble Friend that there is no occasion for alarm, were it not for the spirit in which these matters are dealt with; and I am persuaded, that if we continue to deal with them in such a spirit, recklessly incurring expenditure without providing sufficiently to meet it, we shall end by exposing this country to extreme distress and difficulty.

THE DUKES OF ARGYLL: My Lords, before answering one or two points raised by my noble Friends who have just addressed the House, I wish to express the pleasure with which I listened to the speech of the noble Earl opposite (the Earl of Carnarvon), because, partial and erroneous as I believe some of the alleged facts and inferences contained in it to be, it was, considered as a party speech, one of eminent ability, and was well calculated to raise the reputation of this House. I think, however, that too large a portion of that speech was taken up by purely personal allusions to the present Chancellor of the Exchequer; and, indeed, I may say that the two speeches last addressed to your Lordships had rather too narrow a scope. But I wish to set aside merely personal allusions, and to consider now the three principal charges which the Government have to answer. There is no question as to the Bill now before the House, or as to the policy to be pursued this year. The question we are considering appears to be purely a retrospective one, and is, in point of fact, a resuscitation of the debates which we have had for the last three years. The three principal charges against the Government are these—first, that the Estimates have not been correct; secondly, that temporary resources have been used as income; and thirdly, that the remission of taxation has been improvident and dangerous. Now, on the first of these points, I am perfectly willing to admit, that while some of the Estimates have proved singu-

larly correct, there was in others a large margin which had to be met out of extra resources. But we must consider what influence accidental causes have exerted in creating the deficits. Now, to show how largely these accidental causes have interfered with the Estimates, I will refer for a moment to the deficit of last year. That deficit has arisen mainly from two causes—the failure of certain branches of commerce, and the preparations which unfortunately became necessary in view of a possible American war. Surely noble Lords do not suppose that Mr. Gladstone could foresee the act of Captain Wilkes, or the outbreak of the war which has so seriously affected the trade of this country. My noble Friend (Lord Overstone) appears to be of opinion that the Estimates should provide for such a surplus as would always secure us against a deficit. But no Government can ever be sure of making such a provision in the face of unforeseen events like those to which I have referred. My noble Friend (the Earl of Carnarvon) has spoken of the spendthrift policy of the Government, and prominent among the resources which the Government are described as having had recourse to are the Exchequer bonds. Now, it is clear that my noble Friend, who appears to have paid such close attention to the speeches of Mr. Gladstone, has not paid equal attention to the speeches of Mr. Disraeli. He said, that Lord Derby's Government had made arrangements to pay off the Exchequer bonds which fell due during their tenure of office; and these bonds were always referred to as if they were debts which ought to be paid off, and as to which some hardship was inflicted upon individuals unless they were paid off. ["No!"] Then, if that was not their argument, I must say that the language of my noble Friend was utterly inappropriate, for the noble Lord on the cross-benches spoke of paying off these bonds like honest men. [Lord OVERSTONE: I never used that expression.] Then the language of the noble Lord is unintelligible. Now, Exchequer bonds are securities, as to which it was contemplated, from the first, that any and every Government might renew them according to the exigencies of the time. So far as the Chancellor of the Exchequer could possibly foresee the financial exigencies of the next three years, he intended to pay them off at the end of that term; but it was optional with the Government either to do so or to renew them at their

convenience, and no financial principle whatever is involved in the question. Now, it did so happen that in 1858, under the Government of the noble Earl opposite (the Earl of Derby) £2,000,000 of these Exchequer bonds fell due; and what course did the right hon. Gentleman who was then Chancellor of the Exchequer take respecting them? He came down to the House of Commons on the 19th April, and stated that he had to face a deficit of £3,900,000, arising mainly from the war-sinking fund established by the previous Government, which, as he very fairly argued, it was not necessary to maintain, and from these £2,000,000 of Exchequer bonds. But, instead of paying them off "like an honest man," or like one who was "maintaining the faith of the country," the right hon. Gentleman made it one of the main features of his financial scheme to get over the difficulty of a deficit by postponing the payment of the £2,000,000 of Exchequer bonds. No doubt he did not intend to postpone payment for a period of three years; but if it was for six months only, the same principle would be involved; for if one Government may postpone payment for six months to suit its convenience, another Government may do so for six years, if in its judgment the exigencies of the country require such a course. I need not quote the words used by the right hon. Gentleman on this occasion, but it is clear that the Government of the noble Earl did not think that it was an illegitimate resource, under a temporary pressure, to postpone the payment of Exchequer bonds. Great apprehension has been expressed this evening as to the proposal by any Government of a budget showing a very small estimated surplus. But the Government of the noble Earl provided on this occasion for only a small surplus, which was made up by a trifling addition of taxes, and by the renewal of these obligations; and they looked forward to the probability of a future deficit of no less than £3,000,000. I think a member of the Government which proposed a Budget with a prospective deficit of £3,000,000, has no right to blame us for proposing one which, under the present extraordinary circumstances, still leaves a surplus of £180,000. The noble Lord (Lord Overstone) has referred to another use of temporary resources—the use of the reserved balances in the Bank of England. I believe that when the Government draws ~~against~~ its balances, it has the power of raising money by "deficiency bills," and the interest it pays on the deficiency bills is the measure of the extent to which those reserves have been drawn on. At present, I believe, the reserves in the Bank of England are amply sufficient for the purposes of the Government; and at any time a very trifling sum has been raised upon deficiency bills. I now come to the noble Earl's third point—that the remission of taxation has been erroneous and in the wrong direction. The Government of the noble Earl opposite allowed the income tax to fall from 7d. to 5d. But then their Chancellor of the Exchequer proceeded to propose Estimates by which the House of Commons was bound to provide for a deficit of between £5,000,000 and £6,000,000. The noble Earl went out of office in 1859; and when Her Majesty's present Government came in, taking up as far as possible the Estimates of their predecessors involving this deficit, we found that instead of allowing the income tax to remain at 5d. we were obliged to raise it to 9d., and were obliged to collect two quarters of the increased tax in one quarter of the year. Hence, allowing the income tax to fall to 5d. was an undoubtedly mistake. This was the position in which we found ourselves in July, 1859. There were "bloated armaments," and preparations made by the previous Governments with no funds provided to meet that expenditure, and the whole charge of providing the additional taxation was thrown upon my right hon. Friend. I do not complain, because the Government to a great extent adopted those armaments, but I wish for explanation on another point. It is perfectly true, that in 1858 Mr. Disraeli postponed payment of the Exchequer bonds which then became due; it is true that in the subsequent part of his administration he made some arrangements by which these £2,000,000, in part or in whole, should be paid off. I ask, how could this payment have taken place when Estimates had been prepared with an acknowledged deficit of between £3,000,000 and £4,000,000 sterling? It is clear that these bonds are a matter of account, and not a part of the revenue, because there was not a farthing of surplus. Considering these facts, it is too much for the noble Earl to say, that the only successful financial year we had was the one in which we succeeded to the policy of the late Government. I now come to the point whether the remissions of taxation made

*late of Argyll*

by Mr. Gladstone since 1859 have, or have not, been judicious. I join issue with the noble Lord on the cross-bench (Lord Overstone) on his assertion that the use we made of the £2,000,000 of terminable annuities that fell in in 1860 was the root of all the evils in which we have been since involved. I will show what was the intention of Mr. Gladstone with regard to the falling-in of these annuities. No doubt, with a large number of unpopular taxes to deal with, he would have taken the opportunity of remitting some of them with these annuities; but this was no after-thought of the Government; what they did was done with a distinct and deliberate intention, announced in 1859—that very year, when, in consequence of what the late Government had begun, and the present had continued, the income tax had been raised to 9d. Mr. Gladstone said—

"We have the advantage of a falling-off in the Long Annuities, and it will be the duty of Parliament to consider whether they will endeavour to signalize the year of escape from so serious a burden as the constant and permanent payment of £2,000,000 by something done for the benefit of the people, or whether they will simply allow those £2,000,000 to be dragged unnoticed into the general vortex of expenditure." [3 *Hansard*, cliv., 1394.]

That was the sentence in which Mr. Gladstone foreshadowed the financial policy of the coming year. The noble Lord says, that though these £2,000,000 were to fall in, it was absurd to suppose we had them in our pockets to spend. That would be true had there not been on the statute-book taxes that repressed the industry and interfered with the commercial relations between England and other countries. I contend it was a wise policy to apply those £2,000,000 to the remission of this taxation. It would have been the height of folly to have allowed that amount to be absorbed "in the general vortex of expenditure." It was the duty of the Government to apply it in the manner most conducive to the prosperity of the commerce and manufactures of the country; and it was applied to the removal from the tariff of a number of small and unremunerative duties, and to the repeal of the paper duty. I will not enter into that subject, as your Lordships, I believe, are sick of it; although there are some noble Lords opposite who, I think, will go into mourning for the rest of their days for the loss of their beloved paper duty. There is this comfort only—that if the Government of the noble Earl (the Earl of Derby) had had 10s. to gain of political capital, they

would have been the first to repeal it. ["Oh, oh!"] But there is this important consideration—the leader of the House of Commons is the leader of the Government; and speeches made in the House of Commons, pledges given, and promises made, in the House of Commons, are not to be broken. ["Hear, hear!"] The noble Earl probably meant that the Estimates were mistaken. [The Earl of DERBY: No, no; I do not.] I repeat, that promises made in the House of Commons cannot be broken; and after the Resolution of that House, it is impossible that the paper duty could ever have been retained among the permanent sources of revenue. I have no doubt of the courage of the noble Lords; but if there be a man who holds an opinion against the clear light of evidence, it is he who is willing to maintain that the remission of duties effected by Mr. Gladstone have not fully answered every promise ever held out, and every expectation ever raised, in the House of Commons. I will not repeat the statements of my noble Friend the President of the Council as to the enormous effect of the remission of duties connected with the French Treaty on the trade of this country during the past year. I believe it is no more than the truth, that in the manufacturing portion of the country it has given a stimulus to trade, and in some particular districts has not only been a very important, but almost the sole substitute for the entire loss of American traffic which has been caused by the unfortunate contest between the States. I will not stop to argue with my noble Friend (Earl Grey) whether the form of the treaty was or was not expedient. The form was not the essence. The essence of the transaction was that Parliament abolished and diminished certain duties, which for our own purposes and for our own reasons were judged inexpedient, and Parliament added a reason for remission at the moment that it would secure additional commerce and communication with the French people. That is the footing upon which it must be put. We must judge of it not as a treaty, but as a strictly financial operation. I say that, viewed in that light, it has signally succeeded, and I defy any one to show where it has failed. I heard in the measured sentences of my noble Friend on the cross bench (Earl Grey) a very solemn denunciation of the extravagant manner in which we are dealing with the resources of the country, and I heard him

using the expression that when there was a lurid light in the heavens he dreaded having to meet the dangers indicated by the appearance of the sky with diminished stores and diminished resources. I ask him what are the sources of revenue which have been diminished? Has it been the Customs? Has it been the Excise? No. The whole remissions effected by Mr. Gladstone were in the Customs and in the Excise, and what has been the result? The diminished stores to which my noble Friend refers are now larger and more full than they were two years before Mr. Gladstone's operations. Is it not trifling with the judgment of the House and of the country to come down with fine sentences about diminished stores, and not to be able to put a finger upon a single store which has been diminished? No doubt, my noble Friend may argue, and I am perfectly willing to meet him upon that ground, that if we had not abolished these taxes, the returns for Customs and Excise would be still greater than they are. I have a right to argue upon actual facts. We know that in all the previous operations of Sir Robert Peel, and my noble Friend admits that in the previous operations of Mr. Gladstone, increased revenue has been derived from a remission of taxes; and I challenge him to say why we are to distinguish between results which as a matter of fact have occurred, and results which we therefore anticipate. The facts are so remarkable that I hope your Lordships will attend to them. The reductions in Customs and Excise since 1859 have amounted to £4,300,000, and the total amount of revenue from those branches is no less than £2,000,000 in excess of the sum at which it stood before those remissions. I deduct from that increase the sum due to new taxes, and I say that the mere recuperative effect of those remissions has fully restored—and more than restored—the revenue to the point at which it stood before. Having proved that point, I leave your Lordships to judge of the strength of the arguments used by the noble Earl, when he warned us so solemnly as to the lurid light which appeared in the heavens and the danger of meeting storms which may come with diminished resources. Several times during the course of this debate an earnest hope has been expressed that the season of experiment is now ended. The particular class of experiments to which my noble Friend referred is ended. I do not

mean to say that in future times difficult questions of finance may not be raised. New principles may be started; and having full confidence in my noble Friends opposite, I shall not be surprised if new principles be started. At the same time, it may be some satisfaction to them to know that this class of experiments has really come to an end. There are no more protective duties for them to protect as the very palladium of the British Constitution. There are no more trivial duties for them to maintain as the backbone of English finance. There are no more duties injuriously affecting the processes of manufacture round which their affections may cluster. In after-times they will have the satisfaction at least of knowing they have been the consistent declaimers against some of the most beneficial changes ever effected, and they will have this much more solid satisfaction, that when they themselves come into office, they will derive the full advantage of those measures of which they have been the most strenuous opponents.

THE EARL OF DERBY: My Lords, had it been the object of this discussion to cast blame or censure on her Majesty's Government, I should have abstained from offering a single observation to your Lordships, and should have left the case to stand on the able and unanswerable speech of my noble Friend (the Earl of Carnarvon) who opened the discussion, and who so clearly dissected the whole financial position of the country, and also on the forcible observations of the noble Baron (Lord Overstone) and of the noble Earl on the cross benches (Earl Grey); and although the noble Duke (the Duke of Argyll) thinks that these arguments rest on a somewhat shallow basis, I must confess I have not been so much struck with the breadth and force of the answer of the noble Duke as to think it necessary to enter into the questions to which he has adverted. The object of this discussion, if I understand it at all, is not, as the noble Duke asserts it to be, purely retrospective. On the contrary, it is mainly prospective. The object of this discussion is not to cast blame on this or that Government—not to bandy or toss accusations of erroneous estimates or anticipations of revenue, improvident remission of taxes, or breaches of faith with Parliament; but for the purpose of bringing clearly and distinctly before the country, and your Lordships, and before the other House of Parliament, if they have not sufficiently considered this

question, the really serious, and, I will venture to say, the alarming condition in which, by some persons and by some means—I do not say by whom or what means—the country finds itself, with regard to its present and as to its future means of meeting its engagements. The object is not to cast reflections on the past, but to call on you seriously to reflect on the future, and to ascertain in what manner those dangers that appear to us to be so threatening may be most satisfactorily warded off. My Lords, one or two observations were made by the noble Dukes on the part of the Government, which induce me to refer to one or two comments which they made on my noble Friend's (the Earl of Carnarvon's) speech. The noble Duke who has just sat down has stated that the whole tenor of my noble Friend's speech was not an examination of the finances of the country, but a personal attack on Mr. Gladstone. Undoubtedly my noble Friend did strongly censure and blame the political course of Mr. Gladstone, in the administration of the finances; but I would appeal to the right hon. Gentleman himself, if he were present, and to all your Lordships who heard my noble Friend, whether a single expression fell from him inconsistent with the most perfect personal respect for his character and admiration for his talents? But I want to know in what manner it is possible for us to discuss the financial position of a country if we are not to discuss the financial acts and speeches of the Chancellor of the Exchequer? And we are told by the Chancellor of the Exchequer himself that the finances of the country are in an unhealthy condition; and will you, with that avowal of the Chancellor of the Exchequer—the Minister who is responsible for that unhealthy condition, if such it be—will you blame this or the other House of Parliament for desiring to investigate the causes that have led to that unhealthy condition, and desiring to ascertain if there are any means to rescue it from that condition? My noble Friend stated, undoubtedly, that Mr. Gladstone's estimates are so erroneous, so far from the fact, so contradicted by the result, that he has destroyed all confidence in his calculations for the future, and that of itself, your Lordships will admit, is a great commercial evil and a great public misfortune. The noble Duke himself does not deny that Mr. Gladstone's estimates have been singularly erroneous and singularly unfortunate for the last two years; and the noble Duke

who preceded him commented on another statement of my noble Friend, in which he spoke of Mr. Gladstone's small surpluses. The noble Duke went on to say that was not true, because there was a year in which Mr. Gladstone estimated a great surplus. That is true in one sense, but not in another; but it does not bear on the present financial policy of the country. That was for 1860-1. In July Mr. Gladstone estimated a deficiency of £1,284,000; but when he brought forward his budget in February, on which he based his financial system of the year, and on which he framed his estimates and his calculations, he estimated for a surplus of £460,000 upon the year; and as stated truly by the noble Earl on the cross benches (Earl Grey), at the period when he made that calculation, he must have been aware, though Parliament was not, that although he made it appear there was a surplus of £460,000, it simply rested on imagination, and that it was absolutely impossible that the assumed surplus should not be converted, as it was converted, into a large deficit at the close of the year. Then the noble Duke said—last year, how could Mr. Gladstone, when he spoke of that surplus, foresee the events that have since taken place? What are those events? The civil war in the United States, the consequent ruin of our trade, and the necessity for preparations on our part lest the arms of the Americans should be turned against ourselves, which involved an expenditure I cannot say of what, but certainly considerably under a million. When the budget was brought forward last year, the circumstances of the country were such, that if Mr. Gladstone could not foresee the whole extent of the evil, he must have been conscious that it was a year in which there must be a large additional expenditure, for which he was bound to make provision. He did not do so; and the result of the budget for the last two years has been, as no one has attempted to deny, that there has been a deficit on the two years amounting to £5,000,000 sterling. Now, my Lords, when I say £5,000,000 sterling, that is taking the deficit last year at £2,400,000, including the £970,000 for fortifications, which practically, being an increase of debt, is so much deficit. Then is my noble Friend to blame for having stated, as he did state, that Mr. Gladstone's calculations were singularly incorrect and erroneous? Is he blamable or wrong for saying that when a Chancellor

of the Exchequer is found to have been habitually and continuously out in his calculations, that it seriously shakes the confidence of the country in the Government and causes considerable inconvenience? No one has denied that for the last two years the modes adopted for keeping up even a nominal surplus have been in a great measure by anticipating revenue, by taking hold of every casual and exceptional incoming, and by availing themselves of repayments, balances for advances made, —in short, by converting capital into revenue, and making use of those means to supply the permanent expenditure of the country which the Government knew, or which they had been repeatedly warned, they could not calculate on beyond the existing year, and that the result must be to leave the country in a serious deficit. The question of improvident remissions of taxation, and the merits and results of the French Treaty have had such ample justice done them by the noble Baron on the cross benches and the noble Earl who preceded me, that I am content to leave those matters in their hands; but if ever I intended to enter into an elaborate examination of the finances of the country, I should be satisfied to leave the case to the unanswerable speeches of those who have gone before me. I must say one or two words on the present Bill, which, I must say, the noble Duke (the Duke of Argyll) has shown sound judgment in diverting the course of his observations from, and turning the discussion on the merits or demerits of previous Governments. The noble Duke says we have no right to charge the present Government with anticipation of revenues, when we, in 1858, adopted the same plan that the Government have adopted now—namely, the postponement of repayment of the Exchequer bonds. The noble Duke also adverted to the remission of the paper duty, and laid down broadly and distinctly, a sentiment in which I entirely concur, that promises solemnly made to the House of Commons never ought to be broken—indeed, he said never could be broken. For the information of the noble Duke, or to refresh his memory, I will tell him what Mr. Disraeli really did in regard to the paper duty. What he did was this—he refused to vote for the repeal of the paper duty, but he acceded to a proposition that whenever the revenue could afford it the paper duty should not be considered a permanent source of revenue: that was the Resolution passed by the

House of Commons, which the noble Duke terms a promise made to the House of Commons to repeal a duty.

THE DUKE OF ARGYLL explained, that he did not attribute to Mr. Disraeli any promise on the subject, but merely assent to a Resolution condemning the paper duty as a permanent source of revenue.

THE EARL OF DERBY: A permanent source of revenue whenever the revenue would allow of its repeal. But what does the noble Duke, who has such reverence for promises, say of the promises repeatedly made by the present Chancellor of the Exchequer, that in 1860 at the very latest the income tax should be altogether abolished? But more—some of the present colleagues of the right hon. Gentleman urged that the state of the country during the time of the Crimean War was quite exceptional, but nothing could relax the rigid virtue of the Chancellor of the Exchequer; he would listen to no excuses whatever, he was determined that in 1860 the income tax *coute qu'il coute*, must be struck out of the statute-book. There was a belief or knowledge that in 1860 we should be relieved of the burden by the falling-in of the terminable annuities, and no man urged so strongly as Mr. Gladstone, that to keep good faith and carry out the bounden obligation of the Parliament, this £2,000,000 of terminable annuities should be applied to vindicate the pledge of Parliament by realizing the promise to take off the income tax in 1860. Now, says the noble Duke, it does not rest with you to charge us with having violated the promises and anticipated revenue, when you in 1858 took precisely the same course, and abstained from paying off, but renewed the bonds. Well, we did, under pressure of difficulties, left us by our predecessors, and under the pressure of the solemn obligation and pledge given to Parliament, take every means to redeem that pledge by abolishing the income tax in 1860—we did in 1858 renew the bonds that fell due in that year; and whether we did right or wrong on the whole, not in vindication of our pledge, but of that of Mr. Gladstone, we did take 2d. in the pound off the income tax, and for the purpose of gaining that great political object, which at the time Mr. Disraeli said he would not take for any purely financial considerations, but only to effect a great political object—the abolition of the income tax at the time promised. These were the circumstances un-

der which we renewed these bonds; but in the following year we did not take the same course, and before we left office we paid off these £2,000,000 of bonds, feeling that whatever was the state of the revenue we were bound to discharge that obligation. Now, my Lords, the noble Duke says that when the present Government succeeded to office in 1859, the Estimates which were introduced by us would have left a deficiency. That is perfectly true. In 1858 we entered into a careful examination of the Estimates, more especially of the Naval Estimates, in the hope of making a reduction. The examination disclosed a state of things that startled and alarmed everybody. We found that the state of our navy was such, as compared with that of other Powers, that not only was no diminution of expenditure possible, but that, on the contrary, it would be our bounden duty, at whatever risk, and whatever the state of the country, largely to increase the Estimates of the navy for the purpose of what was at the time called "the reconstruction of the navy" of the country. I am proud to say the steps we took in hazarding a new and then wholly untried experiment of iron-plated vessels, the first of which was the *Warrior*, were the first steps taken towards placing the navy of this country in that position which it was essentially necessary for the safety and the very existence of the country in reference to other Powers that it should occupy; and if we, for that purpose, brought forward Estimates that necessarily led to a deficit after a certain period, the object we had in view was one of such paramount importance as entirely to overbear all purely financial and even all economical considerations. The noble Duke (the Duke of Newcastle) in the course of his observations, in charging my noble Friend with departing from the subject and casting imputations on persons who were absent, and the noble Duke who has just sat down, commented, not in the best taste, on the expression used by my right hon. Friend (Mr. Disraeli) in another place, in which he spoke of "bloated armaments." I ask, my Lords, whether the Minister who as Chancellor of the Exchequer consented in times of financial difficulty to that very increase in the Navy Estimates—whether the Minister who, seeing our great deficiency of ordnance, both heavy and light, for the purpose of supplying it introduced a great additional expenditure into the Army Estimates

also—I ask whether the Minister who, at a period when there was a loud cry for economy, ventured upon these large augmentations of expenditure for the sake of securing the independence, the integrity, and the very existence of the country, was a Minister who would be likely in his place in Parliament to turn round upon all his previous opinions—upon all those opinions in respect to which he claimed for himself and his colleagues the highest credit for having adopted a wise and judicious policy—whether he would be likely, in the presence of all those colleagues, to bring forward a proposition or to put forth sentiments calculated to discourage the maintenance of such a military and naval force for this country as was essential to its safety. My Lords, in the very speech to which the noble Dukes have, I think, so unfairly referred, it was impossible anything could be stronger than the declaration of my right hon. Friend, that so far as the provision for the defence and safety of the country was concerned, there was no expense he would be desirous of sparing—there was no expense in which he would not cheerfully concur. But the sentiment which my right hon. Friend did express, and which I am persuaded will be shared in by every Member of your Lordships' House, was a deep regret that the circumstances of Europe generally should have led in every nation to a system of bloated armaments—armaments, of course unnaturally, swollen beyond their due dimensions, which, not in this country only, but in every country in Europe, were creating excitement among their neighbours, and financial distress and difficulty at home. He did not animadvert on this country keeping up defences for its protection, but on the practice which prevails throughout Europe of having armaments disproportionate to their means, and which are in every country producing financial embarrassment. It was to that that he referred, in a tone of complaint and regret, which I am sure will be participated in by all who are lovers of the peace and prosperity of nations. My Lords, I really had not intended to say a single word with regard to the proceedings of former Governments, nor even of the present Government. My object has been fully attained by the discussion which has occurred to-night, which will place before the House and before the country the real condition in which we stand. And, my Lords, what is that condition? Why,

that at the present moment we are incurring habitually a deficit to a very large amount. We are, to use an expression that was applied to the Crimean war, gradually "drifting" not into war, but into a state of chronic deficiency. It is impossible that there can be a more alarming state of things than that in which, in time of peace, the Minister of the Crown proposes, and Parliament assents to, a system of finance the result of which, year after year, has been to draw upon the resources of the country and diminish the financial reserve which ought to be kept for occasions of great emergency. Nor, my Lords, is it only that we are incurring year by year a deficit, amounting for the last two years to five millions sterling; but we are incurring it, notwithstanding that every means has been taken, as pointed out by the noble Lords on the cross benches, to bring into the revenue of one year that which ought to be held available for emergencies of great moment. And is that all? No; besides this enormous deficit incurred—notwithstanding this, I will not say "spendthrift" course, but I will call it this illegitimate course, of adding to the present temporary income—the House and the country must not forget that we are at this moment labouring under the pressure of £14,000,000 a year of war taxes—taxes which ought to be reserved for periods of war alone, and a great portion of which was originally put on specially to meet the exigencies of war. Well, with these £14,000,000 of war taxes, and with all the means and appliances which the Chancellor of the Exchequer has brought to bear, we have still a deficit of £2,500,000 a year. I ask your Lordships, and I confidently ask the country, whether that is not a state of things which calls for the serious and earnest consideration of Parliament. Now, my Lords, this Bill imposes duties to the amount of £22,000,000 sterling. It includes the renewal of the income tax at 9d. in the pound; it includes the war duties on tea and sugar; it includes an aggregate of taxation equal to somewhere about one-third of our whole national expenditure. And of these £22,000,000 of taxes, £14,000,000 at least have hitherto, and according to all sound principles of finance, been reserved to meet the contingency of war. The noble Duke who first spoke on the other side of the House (the Duke of Newcastle), not certainly following the line of my noble Friend behind me, but rather replying to objections which

he anticipated he would have had to meet, dwelt at considerable length upon the form in which this Bill has been sent up to your Lordships. He contended, very unnecessarily I think, because nobody disputed it, that that form was one which, though unusual of late years, it was perfectly within the competence and the privileges of the House of Commons to adopt, and one of which your Lordships had no right to complain. My Lords, the privileges of the two Houses of Parliament are matters which it is not for the advantage of either should be stretched to the utmost. They depend mainly on the means which each House has within itself of vindicating its privileges. And if it be sought to place the House of Lords in a greater difficulty by sending up a whole number of financial propositions comprised in one Bill, rather than to send them up in separate Bills, I say, that in entire accordance with the privileges of this House, the one course interposes to us no greater obstacle than the other; because, as it is perfectly within our province and our right to reject a particular proposition in a single Bill, so it is equally within our competence to reject that same proposition when incorporated with others. It is, then, only for the House of Commons to consider what provision they will make for the public revenue, following out the principle on which they always act, and not tolerating any amendment of their financial measures. I only say this, not for the purpose of raising discussion on the privileges of the two Houses, but to show that if this Bill is intended, by the form in which it is drawn, to fetter the discretion of the House of Lords, that form would not answer its end, although certainly it might incur the risk—and a very great risk it is—of very serious danger to the country through a collision between these two branches of the Legislature. But if the House of Commons is satisfied with the form which this Bill assumes, I confess that I have little objection to take to it in your Lordships' House. In my judgment, that form deprives the House of Commons of some of the most valuable means which they have at their disposal of duly debating and fully considering the financial measures of the Government. Those measures being all thrown into one Bill, they are not each subjected to that discussion which, if they were embodied in separate Bills, must be taken upon each of them at the several stages; but there is only one stage, and

that stage the Committee, in which the House of Commons has an opportunity of considering propositions as widely distinct from each other as the tea duties, the sugar duties, the income tax, the malt tax, and all the other taxes comprehended in this one measure. But, my Lords, there is another and a very serious objection to the form of this Bill. I think it is a most serious objection that the sum of £22,000,000 in one Bill is voted by the House of Commons as an annual supply. My Lords, nothing can tend more to shake the confidence of commercial men than uncertainty as to the amount of the duties to which they shall be exposed. And so strongly was this felt to be the case, that although in former times—from a jealousy which, if at any period it was reasonable, has certainly become perfectly unreasonable now—although, I say, from a jealousy lest the House of Commons should not have sufficient control over the expenditure, a custom once prevailed of voting the sugar duties annually, for the purpose of leaving a large branch of the revenue absolutely at the disposal of that House from year to year; yet when it was found that this practice produced very injurious effects upon commerce, the House of Commons, with a full view of all the circumstances, determined that the sugar duties should no longer be voted annually, but that they should be taken in a permanent Bill for the purpose of steadyng the trade and giving fixity to the duties. Well, what is the course now pursued? That course is, with regard to the income tax, the sugar duties and the tea duties, to make them all dependent upon the varying circumstances of each succeeding year. And worse than all, as if to increase the want of confidence in the commercial world, it is announced beforehand that the duties will be taken annually for the purpose of enabling the Government to deal with them if circumstances will allow, and to make such changes in them as they may find possible. I say nothing can be more disturbing to all commercial transactions than the amount of uncertainty necessarily arising from these duties being annually voted, and voted, too, with the declared intention to alter them as circumstances will permit. My Lords, I do not intend to enter further into the question than to call your attention to the present state of the finances of the country, and to the mode in which Parliament may and must deal with them. The noble Duke,

following the example set by other speakers on former occasions, took great credit to the present Government for the remission of a considerable number of taxes; and in his toleration he congratulated us that there would be no longer any protective duties to protect—that there would no longer be any small articles charged with a small amount of duty, but that all our taxation was concentrated upon a very limited number of articles; and that if we should happen to succeed him in office, we should derive great advantage from that state of things. Now, I must say that I entirely differ from the noble Duke in his estimate of the merit of these remissions. There is a homely proverb which warns us against carrying all our eggs in one basket; and I think there is very great inconvenience, if not danger, in having the taxation of this country depending upon two sources of revenue, and two only; the one being a heavy amount of taxation on the principal necessities of life, such as tea, sugar, tobacco, and similar articles which enter mainly into the consumption of the lower classes; and the other great source of revenue being direct taxation, and more especially the income tax. The noble Duke boasts that we have no other Customs duties to repeal—that they have almost all been struck off the tariff. But what does that mean? Why, it means that your dependence under those circumstances must rest mainly upon the two branches of income which I have mentioned—namely, direct taxation, and taxation upon the necessities of life. When the noble Duke says there are no more taxes to be repealed, does he mean that whatever the circumstances of the country, there is no more relief to be given in that direction? What does he say of the taxes on tea, sugar, and tobacco? Then, my Lords, supposing a period of difficulty arises, you have to meet that difficulty either by a reduction of expenditure or by an augmentation of those few taxes you can count on, being of a nature singularly dangerous to be augmented. In the present state of things it is not for me to say what course Government ought to pursue, or can pursue. One thing I hold to be certain. The noble Earl (Earl Granville) in his opening speech congratulated the Government on the discretion they had exercised in not asking for any additional taxation. I quite agree that was an act of extreme discretion, because if they had asked for any additional tax, they might have

been perfectly certain the House of Commons would not have granted it. I make a present of all the credit that is due to the noble Earl and his colleagues for that act of discretion. Well, then, if it be impossible, or a matter of the greatest difficulty, and most objectionable, to increase the weight of these few taxes which still remain, more especially recollecting the large measure of taxation which ought to be gradually and as speedily as possible reduced, if not abolished—if there is no prospect of an increase of taxation, I say frankly that much as I condemn the abolition of some of these taxes for which the noble Duke claims so much credit—and, once abolished, it is hopeless to look for the renewal of those taxes, those legitimate sources of permanent unobjectionable revenue, that have been cut off from us in any of our future difficulties by the act of the present Government—if you can neither add to our existing taxes nor renew those I think improvidently and unwisely cut off, what remains but that you must submit to a permanent state of chronic deficit, leading to ultimate bankruptcy, or that you must firmly, deliberately, and resolutely apply your minds to the only other mode by which revenue and expenditure may be equalized—namely, that of wise, temperate, judicious, and economical retrenchment? I need not repeat that I will be a party to no measures by which such reductions shall take place in our expenditure as shall weaken the security and credit of the country. I am not in a position, not possessing official information, nor is it my duty to point out to the Government modes in which retrenchment may be effected; but I must confess I have a very strong impression that, without in the slightest degree overlooking our naval or military efficiency, we are at the present moment spending more largely, suddenly, and to a greater extent than is required by the existing circumstances of the world at large, or by our own state of relative preparation. I may be perfectly wrong, and it may be that Her Majesty's Government have no alternative but to proceed on the enormous scale of expenditure which they are carrying on at this moment. I admit for the last few years it has been absolutely necessary to have large Estimates. I admit it was a wise measure which armed our army, our militia, and volunteers with the best weapon we had at our disposal; and I do not at all complain of the large

*The Earl of Derby*

amount expended within the last few years on small arms or in heavy artillery. But there must come a period when that expenditure may be reduced, and beneficially reduced. I hold in my hand a speech delivered in the House of Commons by the right hon. Baronet the Secretary of State for War, and afterwards published as a pamphlet. I find it there stated, with regard to small arms, that the number of small arms manufactured is 1,066,000; that the number issued to the army, militia, and volunteers is 500,000; to the Indian Government, 186,000—making a total issue of 686,000. The right hon. Gentleman went on to say that there are in store, at home and abroad, 359,000. The annual issue, for the purpose of arming our forces, was something like 100,000 a year. We have, therefore, in store at the present moment three and a half years' consumption, supposing we were continuing to do that which is now accomplished—namely, to new-arm the whole force. I admit that the country is under great obligation to Sir William Armstrong, and I consider it a matter of great congratulation that I was a Member of the Government which in the first instance secured the benefit of Sir William Armstrong's services, and thereby effected an incalculable improvement on our former artillery. But in the same speech I find that we began by manufacturing 100 heavy guns a year, and that a proposal was made to increase the number to 160 or 200. That, perhaps, might be a proper provision at the beginning. But now I find there is in the Estimates a sum of £521,000 for Armstrong guns, for which sum 1,489 guns will have been produced in the course of the year. Of these 681 are to be 100-pounders, and 340 are to be 40-pounders. The Secretary for War went on to state that the same number of guns will be produced for the sum he purposes to appropriate next year; that is to say, that whereas we have expended £521,000 this year for the creation of 1,490 heavy Armstrong guns, it is in contemplation to expend a similar sum for the same number of guns in the next year. My Lords, I confess that looks, to my mind, like a very large and unnecessary expenditure, which might be spread over a very considerable number of years; for I do not apprehend that our present exigencies are so great as to require so large immediate outlay, more especially as, having these heavy and small arms, it was stated by the Secretary for

War that a great doubt exists whether there may not be another species of arm—namely, Mr. Whitworth's, both heavy and light, which may not be more advantageous than the Armstrong guns; and the consequence of that will be that we must either be left with an inferior arm or else incur the whole expense over again, and have to re-arm the whole of the army, and find the vast amount of arms already in store perfectly useless. Now, do not let me be misunderstood. What I say is this:—When you are in doubt as to having the best possible invention, it is most important that you should not overload your stores, at a vast expense of money, with a profusion of stores, which may ultimately be found to be of an inferior character, and be superseded by some new invention. As I said before, I do not presume to say in what direction the Government can effect economy. I should be sorry even to take upon myself to call upon your Lordships to affirm categorically that reduction is capable of being effected consistently with the circumstances of the times. My firm belief is that that is the case, but I do not possess that knowledge that would induce me to ask your Lordships to come to such a categorical decision. But, I say that the Government have before them the simple choice of two alternatives. Additional taxation is impossible. Renewal of taxation is almost equally impossible. It is impossible to continue in the present alarming and serious condition of our finances; and the only alternative to which they must, and I trust will look, is an unsparing, judicious, and at the same time a perfectly safe reduction of the public expenditure.

EARL RUSSELL: My Lords, I am very glad that, on this occasion at least, we shall not have to enter on the question of the privileges of the two Houses of Parliament. The noble Earl (the Earl of Derby) says that the House of Commons have the right to include all the supplies of the year in one Bill, and that your Lordships might, if you pleased, reject that Bill. There can be no doubt respecting these two positions. The noble Earl thinks the Commons have not done wisely in putting £22,000,000 of revenue in one Bill. I differ from him in that opinion. If the House of Commons had sent up the taxes piecemeal, and your Lordships had rejected some and accepted others, there would have been complete confusion in the financial arrangements of the year. The

noble Earl said that his observations should be prospective; he did not keep that pledge; but, at the same time, that is clearly the important matter for your Lordships to consider. The question is not what was done by the late Government in 1858, or what was done by Mr. Gladstone in 1859—the real question is, what are your financial prospects at present? I own I have been a good deal surprised, although I have heard something of it out of doors, at the gloomy predictions of noble Lords, and at the very lively apprehensions which they seem to entertain as to the state of our finance. The noble Earl who spoke first on that side of the House (the Earl of Carnarvon), and who I quite admit made a very able speech, was not only afflicted with alarm, but spoke of the moral delinquencies—I think, of the failure in morality—which had been exhibited in the present system of finance.

THE EARL OF CARNARVON disclaimed having used the expression attributed to him by the noble Earl.

EARL RUSSELL: The noble Earl used the word "morality." What he feared for was the morality of the country. Certainly he did not use the precise phrase "moral delinquency," but he did express his apprehensions for the morality of the country if the Chancellor of the Exchequer should be allowed to pursue his present course. My noble Friend who spoke from the cross benches (Lord Overstone) was exceedingly alarmed at the present state of our finance, and my noble Friend who is now on the cross bench (Earl Grey) was hardly less alarmed. But I cannot avoid asking, what are the symptoms of a country getting into a state of financial embarrassment and political decay? Those symptoms are, I conceive, that the Government goes on with an increasing expenditure and a declining revenue; that it is constantly contracting new debts, and must therefore eventually bring on a financial crisis. What is the case in which we stand at present? The Chancellor of the Exchequer has proposed Estimates for this year which are greatly below those of previous years. They are £1,800,000 below those of last year, and I think £3,500,000, or nearly so, below those of 1860. Therefore you have not an increasing expenditure, as is constantly repeated. We are for ever hearing the phrase, "The expenditure is constantly increasing—where is this to end? If you increase your expenditure every year, what will you arrive at?"

Whereas, it was, in fact, a diminishing expenditure. Then, with regard to the state of your revenue. You have a revenue which is fully equal to the demands that are made upon it. My right hon. Friend the Chancellor of the Exchequer has of late years remitted some taxes, and you have heard something of the effect of those remissions; but, at the same time, he imposed other taxes; and the balance between taxes remitted and taxes imposed is £1,090,000 a year, I think, in favour of taxes imposed. There is another security. If you have on one hand a diminishing expenditure, you have on the other an increasing revenue. But that is not all. Are the revenues of the country falling? So far from that, the average of increase of revenue of late years from old sources, from established taxes, has amounted to no less than £900,000 a year. Therefore, in order to meet that with which I shall have to deal presently, a deficit of £3,500,000 in the two past years—[A noble LORD: Five millions]—I state it at £3,500,000, which I hold to be far more accurate, you have £1,950,000 of increased revenue. No one can doubt, that if even you do not reduce your expenditure much below the present rate, yet with an increase of nearly £2,000,000 of revenue per annum, you will soon be in a state in which you can more than pay off all the debt which has been created. So that, so far from the present state of our finance justifying the gloomy apprehensions which have been entertained, I hold that it is a state of finance which may cause anxiety, because the expenditure is very large, and the revenue is very large, but that there is in it nothing to cause the least gloom or apprehension as to the future. Then comes the question raised by my noble Friend on the cross-bench (Earl Grey)—Ought you, under these circumstances, to have during recent years provided a considerable increase of revenue? My noble Friend says that you ought to have taken security against a deficit. I ask, how is that security to be provided? In 1819 the House of Commons voted that there ought to be £5,000,000 of surplus for the purpose of providing a sinking fund. But that did not go on for many years. Nor was it unreasonable or unnatural that that should be so; because I cannot think it unwise that the country and the House of Commons will not agree to provide a large sum for the purpose of a sinking fund, or to pay off past debts,

as long as they have enough to do to provide for the demands of the year. That has been to a great extent the cause of those Votes which are made a reproach against my right hon. Friend the present Chancellor of the Exchequer, but on account of which I do not reproach the Chancellors of the Exchequer of former Governments. Now, let us see what took place? In raising the sums for the Russian war, Mr. Gladstone proposed that certain Exchequer bonds should be issued, which, in order to prevent the accumulation of debt, should be paid off at certain times. Sir George Lewis, who succeeded him as Chancellor of the Exchequer, proposed the establishment of a sinking fund, to pay off the debt contracted during that war. Mr. Disraeli came into office in 1858. He found a deficit before him; and the way in which he disposed of that deficit was to sweep away the obligation to pay the Exchequer bonds of Mr. Gladstone, and the sinking fund of Sir George Lewis. He swept away those two means of paying the debt which former Chancellors of the Exchequer had provided. I heard his statement in the House of Commons, and I thought he made a very wise provision. I never thought of reproaching him for taking that course. I believe the country does not like that process which was formerly resorted to, that *hocus pocus* of paying off debt with one hand, while you were contracting it with the other. Notwithstanding what the noble Earl said about retrospection, this debate has turned very much upon what has been done in former years. The noble Earl seemed possessed with the notion that the country is going to ruin, in consequence of the measures which have been adopted in former years; and the Chancellor of the Exchequer has been charged with having taken the course of a spendthrift—it has been said, “So reckless has been the course which you have been pursuing, that you have taken the malt credits.” What were the malt credits? The malt credits were sums due by certain persons to the State on account of taxes, and what Mr. Gladstone did was to say to those persons, “Pay up what you owe.” When a private person incurs an expenditure of £1,000, and has a debtor who owes him £1,000, it does not seem to him to be at all a spendthrift course to say, “I will go to my debtor and obtain from him the means of making this payment.” But on the part of the Chancellor of the Exchequer such a course seems to be

*Earl Russell*

thought utterly reckless. No doubt, measures have been adopted by the Government which have led to an increase of debt; but the circumstances which have occurred during these years have been unprecedented, and such as could not have been foreseen. The first event which occurred was the China war. The noble Earl opposite (the Earl of Derby) had given those extraordinary orders to the commander of our fleet in China, that he was to go to the mouth of the Peiho with an imposing force. He did not tell him to go in a peaceable manner; he did not tell him to make war; but he placed him in that extraordinary position that he could hardly avoid fighting, without submitting to an imputation upon the gallantry of the officers and men whom he commanded. Four days after we came into office, those extraordinary orders produced the conflict at the Peiho, with a loss of between four hundred and five hundred men, killed and wounded, in that unfortunate and ill-managed expedition. We had to provide for extraordinary measures, in order to vindicate the honour of the country, and secure peace with China. Is there any one who will blame us for having taken that course? Is there any one who will blame the Chancellor of the Exchequer for not having foreseen exactly what result those extraordinary, and I think most unwise, orders of the late Government would produce? I think it was impossible that any budget should have been framed with a foresight of such consequences. Then it happened last year, long after my right hon. Friend had produced his budget, that an occurrence took place which made it necessary for the Government to send forces to Canada, to take care of Her Majesty's possessions there. Would any one have thought the Government blameless if they had declined to take that course?

THE EARL OF DERBY: Did I rightly understand the noble Earl to say that it was we who ordered an imposing demonstration to be made at the mouth of the Peiho? The noble Earl is much mistaken. It was our predecessors; and when we came into office, we found the expedition at the mouth of the Peiho.

THE EARL OF MALMESBURY: I must deny that my instructions to Mr. Bruce were such as were likely to lead to a collision with the Chinese.

EARL RUSSELL: The Earl of Elgin had gone up the Peiho. The former Go-

vernment had given instructions to the Earl of Elgin to go up the Peiho. He went up. He overcame the little resistance that was made, and signed the treaty of Tien-tsin. A question afterwards arose with regard to the ratification of the treaty. The noble Earl opposite and his Government were of opinion that an imposing force should be sent to the mouth of the Peiho to accompany Mr. Bruce, who was afterwards to go peacefully up that river. I have always thought those were very imprudent directions, but it was not our business to criticise them when the task devolved upon us of defending the honour of the country; and till this moment I have never expressed any censure upon them. With regard to another great head of expenditure during the course of the past year, I am sure every one would have blamed the Government if it had not sent sufficient force to Canada at the time when hostilities might have broken out, though nobody could very well have foreseen that an American captain would have acted, as his own Government thought, in so outrageous and indefensible a manner as the commander of the ship that boarded the *Trent*. These are things that would defeat any calculations, and the Chancellor of the Exchequer, I think, would have come with a very ill grace before the House of Commons if he had said, as my noble Friend on the cross benches seemed to think he ought to have done—The state of Europe is very much perplexed, a war is going on in America, and no man can say what may be the consequences; give me £2,000,000 of taxes in order that I may be able to meet any emergency. The House of Commons might say—Produce the evidence of danger, show us something which requires this increase of taxation; but, till that is done, we will not give to your vague apprehensions of danger taxes which will diminish the resources of the people. My noble Friend on the cross benches (Lord Overstone) said something with regard to our commercial interests, and wished to take credit for some predictions which he formerly uttered. But I can assure him that the facts which he states never occurred. My noble Friend seems to imagine that the French Government were anxious to establish a system of free trade, that they would have at once diminished the duties on our manufactures without any treaty. Now, I have heard from persons in official as well as unofficial stations that the Emperor of the French would

have been quite unable to make such a change. The sagacity and knowledge of commercial principles possessed by the Emperor of the French enabled him to see that it would be a great advantage to France if the duties on English produce and English manufactures could be reduced. But the protected interests were so strong in France that they would have defeated any attempts that could have been made by means of a legislative decree. He therefore resorted to the course of a treaty with this country, and the Ambassador of the French and Mr. Cobden, who was sent to France, stated their belief, that if we made great reductions in the wine duties, and also certain other reductions, we might obtain the admission of our manufactures into France, but otherwise we should totally fail in that object. That was done, and the results of the treaty have been stated by my noble Friend. I believe Mr. Cobden, who went to negotiate that treaty, and who persuaded the French Government to reduce the duties from 30 per cent to 20, 15, and in some cases 10 per cent, is entitled to the gratitude of this country for uniting the two nations by those commercial bonds which tend so much to their mutual benefit. The noble Earl who spoke last (the Earl of Derby) touched on a topic which he thought it necessary to introduce, and on which I confess, after hearing his explanation, my doubts are much greater than ever. I had understood, with some of my noble Friends, that there had been a question of "bloated armaments."

THE EARL OF DERBY : I beg to say that I did not introduce the subject ; it was introduced and enlarged upon by both the noble Dukes opposite.

EARL RUSSELL : The noble Earl is quite right ; the subject was introduced by the noble Duke, and in following him he gave an explanation of what the term was intended to convey. But I was about to state that, as I understood, the phrase of bloated armaments applied to this country ; and, that according to the argument, those bloated armaments were to be traced to the foreign policy of this country, which had made those armaments a necessity. We had only to change our foreign policy and we entirely got rid of the necessity for keeping them up. "Bloated armaments!" Why there is condemnation in the very phrase. The noble Earl now changes the argument, and says the phrase applied to other countries. [The Earl of DERBY :

*Earl Russell*

Hear, hear!] Well, that may be so. But I think the House requires from the leader of the great party of which the right hon. Gentleman the late Chancellor of the Exchequer is the organ in the other House, something more definite than the observations which he has delivered to-night. He says it is impossible for him to judge, from want of information, whether the defence and security of the country require that amount of military force which is now kept on foot ; and yet he is perfectly sure that there may be some reduction effected in those armaments. He does not know what the requirements of the country are ; he does not know what amount of force has actually been furnished, but yet he feels sure that some reduction may be made.

THE EARL OF DERBY : I beg the noble Earl will not misrepresent my argument. I said I had not the information which would enable me to form a judgment, and therefore that I should be sorry to call on your Lordships to affirm categorically that there was room for retrenchment, my own firm impression being that there is room for retrenchment, though I am unable to point to the exact items capable of reduction.

EARL RUSSELL : If the noble Earl has not information sufficient to form an opinion, why should he entertain an impression that the Estimates are excessive ? Why should he not rather think that they are just in accordance with the requirements of the country, for he admits the necessity of providing adequately for its defence ? It does, I confess, appear to me as if the noble Earl, not choosing to commit himself to a definite affirmation that reduction can be practised, yet wishes to hold out to those who are firmly convinced that great reductions can be made a shadowy hope that he would be the man to carry them into effect. I must, however, advert shortly to an assertion which I understood to be made elsewhere, though the noble Earl has not touched upon it to-night—namely, that it is our foreign policy which imposes the necessity for large Estimates upon the country. As the person in the first place responsible for that policy, I should feel it a very great charge and a heavy accusation, if I had done anything as the organ of the Government to make it necessary that the people should bear burdens from which otherwise they would be exempt. But I am convinced that the policy which the present

Government has followed has been one which, far from intending to increase armaments, has tended to keep them within moderate bounds. The policy has been, in the first place, one of non-intervention in the domestic affairs of other countries. Can any one say that is an aggressive policy; or that, if we had proposed to interfere either on behalf of the sovereigns, or of the nations which deposed those sovereigns, we should not have been more likely to involve ourselves in war, or at all events in preparation for war, than we have been while carefully refusing to interfere in the concerns of those countries. The other principle which I have kept steadily in view is, that we should always encourage the independence of other countries; that it is for the advantage of Europe and for the advantage of the world that each independent nation should preserve its own state, its own privileges, and its own position. But that, again, is not a principle that tends to war; it is one that tends to peace, and to the preservation of the rights of every nation by other countries. I think the noble Earl who began the debate, and the noble Earl who spoke before me, have totally failed in showing that there is any danger in the present state of our finance. I believe that finance is in a sound condition, and even if you have no surplus, that it is not wise to impose taxes without necessity. With regard to the defence of the country, I believe that we have done no more than what is necessary; but at the same time I do not mean to say, that when it can be judiciously done, expenditure from time to time ought not to be reduced. Her Majesty's Government will be happy when the time comes that those reductions can be safely made, and after the defences of the country have been secured every opportunity for reduction will be eagerly embraced.

*Motion agreed to.*

Bill read 3<sup>rd</sup> accordingly, and passed.

House adjourned at half-past Ten o'clock,  
to Monday next, half-past  
Eleven o'clock.

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#### HOUSE OF COMMONS,

*Friday, May 30, 1862.*

MINUTES.]—PUBLIC BILLS.—1<sup>st</sup> Ballot; Naval and Victualling Stores.

VOL. CLXVII. [THIRD SERIES.]

#### CHINESE IMMIGRANTS IN AUSTRALIA.

##### QUESTION.

MR. MARSII said, he wished to ask the Under Secretary of State for the Colonies, Whether an Act has been passed by the Legislature of New South Wales imposing a fine of £10 on every Chinese landed in the Colony, and an annual Poll Tax of £4 on every Chinese resident there, and enacting other penalties against them; whether Her Majesty has been advised to withhold Her consent from such Act; and whether he is aware that previous to the passing of this Act a Select Committee of the Legislative Council of New South Wales had, after examining witnesses, made a Report wholly and entirely acquitting the Chinese residing in the Colony of the charges and imputations which had been made against them?

MR. CHICHESTER FORTESCUE said, that an Act such as that described by the hon. Member was passed by the Legislature of New South Wales a short time ago; it was assented to by the Governor, and had been left to its operation. With respect to the latter part of the hon. Gentleman's question, they had had no report at the Colonial Office of such a proceeding on the part of the Parliament of New South Wales. He might add that his noble Friend at the head of the Colonial Office was fully aware of the objectionable nature of this legislation under ordinary circumstances; but he was aware that an Act very similar had been in operation for many years in the neighbouring Colony of Victoria, that law having been enacted under the old constitution. He also knew that there was a strong feeling in New South Wales against increasing the number of Chinese males in Australia, there being scarcely any Chinese women in the country, and the Chinese in the Colony amounted to 21,000, or about one-fourth of the adult male population. Under these circumstances, Her Majesty's Government would not advise the Crown to disallow the Act; but the Secretary of State had advised the Colonial Government to relax the stringency of the provision in cases where the Chinese immigrants were accompanied by their wives and families.

#### ELECTRIC TELEGRAPH COMPANIES.

##### QUESTION.

COLONEL WILSON PATTEN said, he

wished to ask the President of the Board of Trade, Whether it is the intention of the Government to introduce any measure during the present Session for regulating the construction of lines of Electric Telegraph on public roads and lands adjoining thereto ; and whether care has been taken to insert in all Private Bills having this object clauses rendering Electric Telegraph Companies liable to future general legislation ?

MR. MILNER GIBSON replied, that with regard to the last part of the question of his hon. Friend, as to whether Companies which had obtained Acts of Parliament to construct Electric Telegraphs would be subject to future legislation, he believed that none of the Acts contained such a clause ; but some of them, he believed, about one-half, had a clause which gave to Parliament a power of limited interference at the end of ten years. He had a copy of the clause, which stated—

" That at any time after the expiration of ten years from the passing of this Act the regulations of the Company with regard to the transmission of messages and the opening of streets shall be subject to a revision of Parliament ; and Parliament shall then require and enforce the adoption and performance by the Companies of such modified or other regulations as aforesaid as shall be deemed necessary for the protection and convenience of the public."

There was no clause as to general legislation by Parliament, but he proposed communicating with the Chairman of Ways and Means recommending that a clause granting such power should be inserted in any Bill now before Parliament. As to the first part of the question, the subject was one of considerable difficulty. It was undergoing consideration, but he could not undertake, as at present advised, to promise that any Bill relating to the question should be introduced during the present Session.

#### THE HORSFALL GUN.—QUESTION.

MR. LAIRD said, he would beg to ask the Secretary of State for War, If the War Office has decided that the Horsfall Monster Gun shall be tested against the *Warrior* and other Targets ; and, if so, when the trial would take place ?

SIR GEORGE LEWIS said, it had been decided that some experiment should be made to test the power of the gun, but nothing had been decided as to the precise nature of the experiment.

*Colonel Wilson Patten*

#### SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

#### PURCHASE OF COMMISSIONS.

#### RESOLUTION.

SIR DE LACY EVANS said, that although the Motion which he should beg leave to submit was of limited scope, applying only to one rank, it would be admitted to be of no inconsiderable importance. It had, in fact, for its object to adopt the principle of selection in the appointment to the command of regiments, and that those selections should be made upon the responsibility of the Commander-in-Chief for the time being. When he last had the honour of alluding to the question of the sale and purchase of military commissions, a declaration was made by the late Lord Herbert to the effect that Her Majesty's Government had already determined on adopting, with as little delay as practicable, the alteration actually proposed in the present Motion. That promise was subsequently frequently repeated—but yet remained without result. He had now by his Motion to invite the noble Viscount at the head of the Government to fulfil those promises. The illustrious Prince in command of the army, though the great supporter of the purchase system, had admitted in his evidence that the efficiency of a regiment depended "entirely" on the "efficiency and ability" of its commanding officer, and that the post of regimental commander was therefore one of great importance. Her Majesty's *Book of Regulations for the Army*, of which every officer was bound to possess a copy, contained no less than 138 paragraphs emphatically specifying the eminently important duties of that appointment. The report of the Royal Commission appointed by Her Majesty to inquire into the subject dwelt in like manner on the very serious duties of that rank, and stated truly that the efficiency or non-efficiency of a regiment might affect decisively the result of a great battle. The first paragraph also of the Regulations alluded to was in the following words :—

" An officer intrusted with the command of a regiment is invested with authority which renders him responsible to his Sovereign and his country for the maintenance of discipline, order, and a proper system of economy in his corps ; he is to

exact from officers and men the most implicit obedience to regulations, and he is not only to enforce by commands, but to encourage by example the energetic discharge of duty and the steady endurance of the difficulties and privations which are inseparable from military service."

How was that regimental command, admitted on all hands to be of such paramount consequence, at present appointed? By purchase, interest, or seniority. There was no regimental rank in the army from which there was so little guarantee required for competency to perform its duties. In fact, if an officer was next in succession, he was appointed almost as a matter of course to the command of the regiment. But that became still more seriously objectionable in consequence of the late regulation giving to lieutenant colonels, after the short interval of five years, the rank of Colonel, with eligibility to be selected for the command of brigades. These changes rendered the proposed reform, of course, additionally urgent. At page 24 of the Report of the Royal Commission was the following passage:—

"If the purchase system interferes thus injuriously with the appointments to the command of regiments, it must indirectly affect all the higher ranks of the army. Whenever the responsible advisers of the Crown are obliged to prepare for the contingencies of war, and to recommend Her Majesty to name a commander for her army in the field, they must necessarily select from among those who have obtained high rank in the army. The great majority of these officers, however, will have risen by purchase, obtaining their rank, not from any acknowledged fitness, but from the current of promotion and the opportunities of buying advancement. This country will therefore commence the operations of war under a disadvantage, compared with foreign States, where all the officers in the higher grades will have been subjected to several selections, and may therefore, if the power of selection has been honestly and wisely exercised, be all men of known efficiency and merit."

What was the working of the system? A young officer no sooner joined his regiment than a series of inquiries or private bargainings were entered on with him as to the amount beyond the legal prices which he would be prepared to contribute towards the different promotions of the regiment. They had it on the candid and honourable evidence of one of the partners of a most eminent army agency firm that in several corps, but especially in the cavalry, double the legal prices, and often more than double, were usually given; and it appeared in the evidence of the Commander-in-Chief that officers who asked permission to make those purchases invariably concealed from the authorities their

intention of violating the law. It was generally, and he thought correctly, assumed that a pure and high sense of honour were peculiarly requisite in the army. But how was a high sense of truth and honour reconcilable with the unseemly proceedings imposed by Government upon the officers. It was true that nations which possessed sufficient power and resources to carry on wars for many years would probably eventually obtain, under any system, officers of high rank competent to high responsibilities. But such tardy and uncertain results would unavoidably be coupled with great and unnecessary hazards, and often the worst of all results—the prolongation of wars. The wars arising out of the French Revolution extended to all parts of the world, continued for not much less than a quarter of a century, and gave varied opportunities of experience to our troops; and yet above a dozen years elapsed before a general appeared in our ranks (Sir A. Wellesley), who was justly recognised as eminently qualified to maintain the interests and glory of his country. But of his victories there was one unlucky consequence, namely, that they tended to an inference that our military institutions required no revision. The despatches, however, of that great commander, written not as the head of a great political party, the position which he subsequently held, proved that he considered his operations very frequently injuriously affected by professional deficiencies on the part of those under his command. But, whatever might have been the case half a century back, a considerable degree of professional acquirement was becoming from year to year additionally necessary, and for which the possession of a large sum of money must prove a very unreliable substitute. Neither would the most exact performance of the mere mechanical parade or field-day movements afford for such qualifications any sufficient security. He thought it would not be difficult to cite historical proofs that the shortcomings of not a few commanders raised to rank by these venal means had, at different epochs, cost our country millions of money, fearful loss of lives, and other most regrettable consequences. Thus also it was that the commencement of almost all our conflicts had been usually marked by discomfiture and loss of prestige. But there were fanatics of promotion by money rather than merit. To these he would say, "If this be an honour-

able and beneficial system, the Government ought to introduce it into all other departments." But there was no other public department which would not feel dishonoured by such a mode of advancement. At the present time the corruption of the system was more extensive, rife, and flagrant than at any period during the last 200 years. Formerly it was sometimes alleged by the defenders of the system, that if it involved corruption, it was only in the bargains between officer and officer, and that the Government had no participation in it. But that could no longer be said, for the account of the Reserved Fund, laid on the table of the House only two or three days since, proved that the Government were now carrying on a most extensive system of barter in army commissions. His Motion was limited to the one rank of lieutenant colonels, and he would not therefore further trespass on the attention of the House. It appeared to him to be a self-evident proposition already more than once acquiesced in by the Government. Unless, then, the noble Lord the Prime Minister and the War Department had resolved that the proved scandals of purchase, by which the officers of the army were blamelessly and involuntarily demoralized, should remain unabated, he hoped that his Motion would be acceded to.

*Amendment proposed,*

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, no further postponement ought to take place in giving effect to the promises of Government, that the Command of Regiments should no longer be purchasable, and that the promotions to that rank should henceforth be regulated by selection upon the responsibility of the Commander in Chief,"

—instead thereof.

LORD STANLEY seconded the Motion.

SIR GEORGE LEWIS : Sir, as my hon. and gallant Friend, owing to the state of his health, which we must all regret, was unable to make his remarks generally audible throughout the House, perhaps it will be convenient if I state the precise nature and grounds of the Motion. I shall, of course, endeavour to do so with perfect fairness. The House is doubtless aware that a Commission was issued some years ago to inquire into the system of purchase and sale of commissions in the army. That Commission was composed of the most eminent and competent Members, including, among others, the Duke of Somerset, the noble Lord the Member for King's

Lynn (Lord Stanley), Mr. Sidney Herbert, Sir Harry Jones, and the hon. and gallant Member who has moved the present Resolution. The Report of the Commissioners is very elaborate, and appended to it is evidence which shows that the question was investigated with great care and impartiality. The recommendation at which they ultimately arrived is embodied in the present Resolution, and is to the effect that purchase in the army should continue, but that the rank of lieutenant colonel should be subject no longer to purchase, but should be bestowed by selection—that is to say, that the lieutenant-colonel of a regiment should be appointed by the selection of the Commander-in-Chief, without any purchase. The Government, after considering the matter, determined to give effect to the chief recommendation of the Commission with regard to the rank of lieutenant colonel, and that decision was communicated in 1860 to the House by Mr. Sidney Herbert, the then Secretary at War. Soon afterwards it became necessary for him to consider the details of the subject, with a view to carrying into effect the decision which had been formed ; but upon approaching the question more closely, he found that it was embarrassed with great difficulties of detail, and that it was necessary to take into account, that owing to the amalgamation of the Indian with the British army, twelve new regiments—three of cavalry and nine of infantry—would be created, in which commissions would be awarded, not by purchase, but as in the Engineers, by selection and seniority up to the rank of field-officer. There is no doubt that this system is to be retained in those twelve regiments. I understand that my predecessor in the office I now hold saw no immediate prospect of being able to act upon the decision which had been come to, and made a communication to that effect to His Royal Highness the Commander in Chief. In answer to a question put by the noble Lord opposite (Lord Stanley), my hon. Friend, who was then Under Secretary, stated in the House that until the Government could have some experience of the working of the system of non-purchase in those twelve regiments, it was not intended to act upon the decision which had previously been announced. That is the state in which I found the question, and I will now give the reasons why, as at present advised, I do not think it expedient to depart from that revised decision of the Government,

*Sir De Lacy Evans*

or to take any immediate steps for acting upon the recommendation of the Commission. I wish the House to understand, not that the question is at all finally concluded, but that, as these twelve regiments have not been formed, in point of experience it remains practically where it stood when my hon. Friend gave the answer to which I have referred, last Session. With the permission of the House, I will state briefly the reasons why I see great difficulty in acceding to the Motion of the hon. and gallant General. The subject to which he has limited his Resolution must be considered as part of the larger question, as to the expediency of entirely abolishing the system of purchase. It must be regarded as the first important step in that direction, and therefore the House would fall into a serious practical error if they thought that they could decide this question without exercising a material influence upon the decision of the larger one. In fact, the hon. and gallant General takes that view of the case, because, in apology for the limited scope of his Motion, he said, that at least it would be the commencement of the reformation of the general system, and he qualified his signature to the Report of the Commission in the following terms :—

" As a member of the Commission, he has the honour to state that he has deemed it a duty to sign the Report decided on by the Commissioners, because he fully concurs in the recommendations, as far as they go, which it contains. But, as the evidence adduced has strengthened the convictions which he previously held on the subject, and as he believes that some additional measures may with advantage to the public be adopted, having for their object a more early termination of the system of sale and purchase of commissions in the army than is provided for in this Report, he will feel it his duty to transmit, as soon as practicable, to the office of the Commission a representation of his humble opinions to this effect."

It is therefore obvious that my hon. and gallant Friend considers the application of the principle of selection to appointment to the rank of lieutenant colonel only an instalment towards a general alteration of the system, and that on that account this more limited question has a very close connection with the more extended one. One difficulty in the way of the abolition of the purchase system which meets us on the threshold, is the large amount which it would be necessary for the House to provide for compensation; because I apprehend that it will not be denied, that officers who under the existing

system have legally paid for their commissions would, if that system was suddenly altered, be entitled to compensation. The estimate of the amounts required for compensation which I have had placed in my hand is—for Cavalry, £1,335,290; for the Guards, £610,110; for the Line, £5,180,630; total, £7,126,030.

SIR DE LACY EVANS was understood to intimate a doubt whether this estimate would meet with the sanction of Dr. Farr.

SIR GEORGE LEWIS: I cannot say whether Dr. Farr has been consulted upon this estimate, nor did I know that he was an authority upon military statistics. No doubt there will be many different estimates. I have given to the House that which I have obtained from the War Office, and which is certainly not a fanciful estimate. Confining ourselves, however, to the limited question which the hon. and gallant General has brought before the House, it would require about £494,290 to pay to 384 lieutenant colonels the difference between the value of a majority and that of a lieutenant-colonelcy, if they received it at once. Taking it for granted that each officer would, before selling, become entitled to the full value, £17,900 must be added, which would make the total £512,190. These are the most material parts of the financial view of the question. I merely state the facts, and leave the House to form its own judgment as to the conclusion which is to be drawn from them. Beyond this there are certain practical advantages, the possession of which by the system of purchase cannot be denied, however much it may be denounced in theory. One of the most prominent of these is the youth of the officers. It will be universally admitted that a system of purchase clears away officers in the higher grades, and secures to our army, upon the whole, a younger, more efficient, and more active class of officers than can be obtained in any army in which seniority is the only rule of promotion. As to what the hon. and gallant General said with reference to a system of purchase giving a monopoly to the aristocratic class, it is rather difficult to find out what is meant by the aristocracy in this country; but if by "the aristocratic class" he means the Members of the House of Lords and their relations, I apprehend that any one who turns over the pages of the *Army List*, and looks at the names of the officers, will see that there cannot be a greater mistake than to sup-

pose that the officers of our army are principally, or in any large degree, taken from the aristocratic class, in this sense of the word. I do not at all believe that the purchase system has produced that narrowing effect which the hon. and gallant Officer attributes to it. There is another advantage arising from the purchase system to which military men attach great importance, which perhaps a civilian is not able to appreciate as well as a military man; but which, nevertheless, I believe to be a very solid and substantial benefit—namely, what is called the regimental system, according to which promotion takes place in a regiment, the officers live together in a manner which is not usual in foreign armies where there is no mess, and altogether an *esprit de corps* and mutual confidence and familiarity are produced, which tend very much to the efficient working of our military system. It is often said how absurd it is to have purchase in the army when you do not have it in the navy. Now, there is this great difference between a regiment and a ship—that a ship is paid off when it comes into port, and its officers fluctuate from time to time. There is a continuous unity in a regiment which a ship cannot possess, and which is undoubtedly promoted by a system of purchase. There is another great practical difficulty in the way of appointing lieutenant colonels by selection, growing out of the manner in which our army is employed abroad. If our army was like that of France or Prussia, the adoption of such a system would be much easier than it now is. A large part of our army is permanently abroad. How would the principle of selection operate in regard to it? Let the House suppose that a lieutenant colonel dies on his station in New Zealand, or at Hongkong, Pekin, or some other distant part of the world? The senior major would, as a matter of course, succeed to the command of the regiment. The vacancy would immediately be reported home, and probably in about six months, or a longer interval from the death of the officer, a successor, appointed by selection, would arrive out to take the command, and to supersede the officer who had commanded the regiment for six months, and who might have greatly distinguished himself in the interval. Hostilities might have broken out, and the officer might have shown that he was eminently qualified for the post of a commander, although, from indolence or

some other cause, he might not have been distinguished as a major. The general in command on the station might think that the claims of this officer to the command of the regiment were very good, and might remonstrate against his supersession, or give him strong testimonials which would make him a discontented man for life with an exceedingly good grievance. I must think that the probability of the occurrence of such a case affords a very strong argument against our having recourse to a system of selection. In order to show the House the difference between the English and French armies in this respect, I will read a few lines from the Report of the Commissioners. Speaking of the French army, they say—

"Selection is governed by the following regulations:—Inspectors general are appointed for every branch of the service; they are specially named for this duty, and are not the officers who command the district. These inspectors receive a printed form of instructions before they commence their annual tour of inspection. When an inspector general has inspected a regiment, the commanding officer of the regiment presents to him his list of officers for promotion; the inspector general examines these officers, and selects those whom he considers most fit; he then prepares a confidential report, and transmits it to the Minister of War. When all the inspections are finished, the inspectors meet in committee, review the names in these several reports, and from among them prepare a list for the Minister. The Minister promotes them in rotation, or not, as he thinks best."

That is the system of the French army, of which the Commissioners say very truly—

"In imitation of the French system, it may be suggested that special inspectors should be appointed to visit and examine the regiments, and that all promotion should be based upon a careful consideration of their reports. Such a scheme could hardly be applied to the British army. Inspectors could not be sent annually from the Horse Guards to visit regiments dispersed from Canada to Australia."

I think the House will see at once that any system of inspection of this kind for our army would be altogether inapplicable. In the French army, the chief part of which is confined to the limits of France, such a system is perfectly practicable, and no doubt works satisfactorily; but the peculiar service of our army renders it altogether impossible. Supposing the Commander in Chief deprived of the assistance which he might obtain from the reports of inspectors, and were to decide promotions on what is called merit, how would he be able to select officers for the command of regiments without exposing himself to the

Sir George Lewis

charge of favoritism, or without being subjected to perpetual pressure from private or political friends? Either there would constantly be intelligible suggestions conveyed in the newspapers, or perhaps in the form of Questions or Motions in the House; and if in the midst of all these serious difficulties the Commander in Chief found himself not equal to the responsibility of selection, I am rather inclined to think that what is called merit would assume the shape of simple seniority. My hon. and gallant Friend, I think, said that the present officers of the army had great reason to complain, because they had been induced by the Government to evade the law declaring that money shall not be given for their commissions. He seemed to think that, as a matter of fact, the Government were perpetually pressing and urging officers into the system of purchase, which was not one that was at all sanctioned or approved by the feeling of the army, or into which they would be disposed to enter spontaneously, and without the constant application of this supposed pressure by the Government. That was the picture my hon. and gallant Friend drew of the working of the system. I do not mean at all to dispute his greater experience and greater knowledge of military affairs, but my information leads me to think that the state of things is directly opposed to that which he has described. I do not believe that the system of purchase is one that is forced on the army by the Government, or to which the army itself is hostile; and I think that a very strong argument in the other direction may be afforded by the practice of the Indian army, the European regiments of which were non-purchase corps, but into which the system of purchase was nevertheless introduced by the officers themselves. In order that I may not be supposed to misrepresent this question, I shall read a few words from the Report of the Commissioners. They say—

"The strict adherence to the rule of promotion by seniority has led to the adoption of a practice which is permitted by the authorities, though not sanctioned by law, and which produces, as regards retirement, a result somewhat similar to the sale of commissions."

The House will observe that this is entirely a voluntary system introduced by the army itself, and one only tolerated and not dictated or encouraged by the Government.

"The officers of a regiment subscribe among themselves, and make up a purse to induce a

senior officer to retire. Contributing is optional on the part of every officer; but in most cases a young man would sooner incur pecuniary inconvenience than withhold his aid from a scheme so popular in the regiment. The practice of thus making up a purse applies chiefly, it is said, to the rank of major, though it occurs also in lower ranks. From the evidence given as to the effects of this system, and the unwillingness of officers to retire without a contribution, in addition to the pension allowed them, it may be inferred, that if the officers of the Indian army were left with no other inducement to retire except the allowance granted by the Government, the regiments would be filled with old officers and the efficiency of the army would be impaired."

These Commissioners, from the nature of their recommendation, cannot be supposed to speak with any prejudice in favour of the system of purchase. Even in the Indian Artillery this system has also been introduced, though it does not exist in our Artillery, and therefore I think it must be seen that there is a spontaneous tendency to introduce a system of this sort, unless it be checked by the Government and prohibited by strict penal regulations. But however strict the regulations may be, I hardly anticipate that means might not be found of evasion; and it is doubtful whether, after all, the entire eradication of the system of purchase, sanctioned as it seems to be by the opinions and practice of the army itself, would be as easy as many hon. Gentlemen seem to think. These are the reasons which induce me to hesitate at the present moment in taking any additional step for giving effect to the decision that has been adverted to. I do not at all say that the question is closed, or that it would not be expedient under other circumstances; and when some few years have shown what is the working of the system of non-purchase in the twelve new regiments, that it would not be possible to introduce a change both in this and other branches of the service. But on the grounds I have stated Her Majesty's Government are not prepared to take any immediate steps. Therefore it is not in my power to assent to the Motion of my hon. and gallant Friend, and I must give my vote in favour of passing to the order of the day, which is equivalent to moving the Previous Question.

GENERAL PEEL: Sir, if I agreed, which I do not, with the recommendations of the Commissioners, I should object to this House being called on to give any opinion or to exercise any influence with regard to a matter purely relating to the command and discipline of the army. In that view

I am fully borne out by the opinion of the late Secretary for War, Lord Herbert, who, in answer to a question put to him, I think by the hon. and gallant Member for Limerick (Colonel Dickson), said the army was governed not by the votes of the House of Commons but by the Queen's regulations, and that he would not be doing his duty if he produced any regulations for discussion in the House before they had been decided on by the Queen in Council. I hope and trust this House will never interfere with the command and discipline of the army. I am perfectly content to take the Report of the Commission on its own merits. It consisted, I recollect, of ten individuals, five civilians and five military men; but one of those civilians had been Secretary at War, the right hon. Gentleman the Member for Coventry (Mr. Ellice). We find that the Report and recommendations of the Commission were only signed by six out of the ten members. The majority of the military members of the Commission absolutely put in a counter Report, in which they objected altogether to the recommendations which were adopted by the majority; and, of the civilians, the right hon. Gentleman who had been Secretary at War objected just as strongly to those recommendations. Therefore the House, I think, is bound to scrutinize narrowly the grounds on which the Royal Commission came to that decision. They held in their Report that they were borne out by the practice of foreign armies, as well as our own in India; but the right hon. Gentleman has shown very clearly that it is impossible to compare the foreign with any English service. Foreign officers are collected together, and there may be good opportunities for selecting the best officers. With regard to the Indian army, I think what has taken place there lately would hardly induce us to exchange the system of the British army for any which may exist in India. The Commissioners were certainly wise in giving some other grounds for their decision than the mere evidence which came before them, for I venture to think the opinion which they came to was in direct contradiction to the weight of evidence. Five gentlemen gave evidence in favour of the proposed change; two of them were civilians, amateur reformers of the army, who had paid great attention to the subject; and I am perfectly willing to admit that they gave their honest opinion. But they must excuse me if I do not attach the same importance to their testimony

*General Peel*

which I should do to that of military officers. Sir Duncan M'Dougall thought a system of selection desirable but not practicable. Sir James Scarlett, to whose opinion I should attach the greatest importance, thought a system of selection preferable to purchase in the higher ranks; but, with regard to the army generally, he thought examination would be better than selection. That view, however, I do not think practicable. Lord Clyde, whose opinion must carry great weight with every one, declared that—

"There may be unfairness in selection, but one has a right to expect that men in a high station would select proper and fitting men. Men who are passed over at any time may not like it, but still I think that the principle of selection would give less pain and less cause for regret and displeasure on the part of the individual than being purchased over."

I now come to the other side of the question. First there is the evidence of Sir Charles Yorke. Then the opinion of Lord Raglan was stated by the Chairman of the Commission, the Duke of Somerset. There are no two men whose opinion is of greater weight on this subject, because they had filled the post of Military Secretary, and through the Military Secretary all the confidential reports of the army pass to the Commander in Chief. Well, Lord Raglan says—

"We consider that the system of selection would be highly prejudicial to the efficiency of the army. I should be sorry to see the system of selection introduced under any circumstances in this country. I think it would lead to great abuse."

Then came Major General Neil and Lieutenant Colonel Ringham. I will not, however, weary the House by going through the evidence of every military man of distinction, but I beg to call attention to the statement of Sir H. W. Barnard on the system of selection :—

"I think that the system of selection would be decidedly not so popular in the army as that of purchase; that it could not be carried out; and that it would be a very onerous duty upon those who would have to select."

He quotes the opinion of a French officer of high rank in the Crimea,

"Who was surprised at a party in England wishing to alter our system, and to do away with purchase. He had never seen any infantry to equal the British."

From this the House is put in possession of the opinion of a French officer who had an opportunity of observing the working of our system as well as that which prevails in the French army. I shall not go into the finan-

cial arguments, because I think the question which we have to consider is whether it would be for the advantage of the service that appointments to the rank of lieutenant colonel should be by selection. Viewing the matter in this light, I would ask what would be the position of the two majors of a regiment when you had taken an officer from another regiment and placed him over their heads? What would their position be when you had pointed out to the men under them that you did not think these officers fit to command a regiment? There is the circumstance on which my hon. and gallant Friend laid so much stress,—that the command of a regiment in action might decide the fate of the day. Well, if this officer whom you had selected to command the regiment was killed, the senior major, whom you had pointed out as not fit to command the regiment, would be called upon to perform that duty. Indeed, I cannot conceive any man so passed over remaining for one single moment in the position in which he would be placed. If he is not fit to command a regiment, he is not fit to be senior major. Again, let us look to the effect of this system on the regiment itself. If you do not promote the senior major, what is to become of the second major? It would be a very hard case with him, because, as long as the senior major remained in the regiment, there would not be the slightest chance of his being promoted. Suppose the lieutenant colonel is killed in action, and that you bring in an officer from another regiment to fill his place; the promotion takes place in the latter regiment, and not in that in which the vacancy by death has occurred. It would be much better to say to an officer, "We do not think you are exactly the man whom we should wish to see command a regiment," than to allow him to go on expecting his promotion, and then pass him over when the opportunity arose. By adopting the former course, you would afford him an opportunity of retiring from a service in which he had no chance of advancement. A man may be very gallant in action—he may do acts that entitle him to the Victoria Cross,—and yet he may not be as fit to command a regiment as a man who had not so distinguished himself in action; but, depend on it, that would not be the view taken by the country. My hon. and gallant Friend (Sir De L. Evans) himself was raised in one year, during a time of

war, from the rank of lieutenant to that of lieutenant colonel, and yet, distinguished as were the services of my hon. and gallant Friend, I do not say that there were not other officers who would have made a good a lieutenant colonel as he. I think we ought to be very cautious indeed how we interfere with that which before the Crimean war was admitted to be almost perfect—the regimental system. The House will remember, too, that there is now an examination before an officer enters the army, and that there is a professional examination for every grade up to captain; so that it would be almost impossible for an inefficient man to obtain the rank of field officer. But what would be said to an examination by a gallant officer whom you yourselves had declared not fit to command a regiment? For the reasons which I have ventured to state to the House, I think the Government exercise a wise discretion in not agreeing to the proposition of my hon. and gallant Friend.

COLONEL NORTH observed, that all appointments in the higher grades must necessarily to a certain extent be made at haphazard. Still, from the confidential reports made after the half-yearly inspection, the Horse Guards was thoroughly informed as to the efficiency of majors of regiments. In a former debate on that subject, the practice of exchanges was relied on as an argument to show that under the present system an officer was brought from one regiment and put over the heads of those in another; but it would be impossible, without the destruction of the prospects of many officers, to do away with exchanges. One regiment had to do duty in various climates, and their removal from one climate to another was often very rapid. During the Russian war, troops were sent from the Cape of Good Hope to the Crimea, and at the close of that war they were sent to India to assist in putting down the mutiny. On a former occasion the hon. and gallant General put the case of an officer without money or friends, and asked what chance of promotion he had under the purchase system. But what chance would such an officer have under the system of selection? The noble Lord at the head of the Government had, on a previous occasion, stated that merit was only the opinion which one man formed of another, that any opinion was sure to be disputed, and that it was a utopian idea to suppose that under any system individuals could be selected on account of merit alone. That

was an opinion which he thought every one must share.

LORD STANLEY: Sir, as I was a member of the Commission of 1856, and the only member of it, excepting the hon. and gallant Gentleman beside me, who is now present in the House, I think if I were to let this Motion pass in silence, I should lay myself open to misconstruction, and I therefore feel bound to support, and, as far as I can, to defend, the opinions expressed in that Report; opinions which all my subsequent reflection and observation have only tended to confirm. I will begin by vindicating what I think is quite as important a subject as the organization of the army—I mean the rights of this House—against the doctrine put forward by my right hon. and gallant Friend (General Peel). I dare say he did what we are all apt to do—use words conveying a little more than he really meant to convey. My right hon. and gallant Friend said, in effect, that this was a question affecting the command and discipline of the army, and that therefore, on constitutional grounds, he was sorry it should be discussed in this House. Now, I have always been under the impression that this House found the supplies by which the army is supported, and I cannot conceive upon what principle it can be contended that we, who have to vote the number of men, who have a right to discuss the Army Estimates vote by vote, and who are bound to our constituents and the public to see that those estimates are properly and efficiently appropriated—I do not see how it can be contended that we have no right to deal with questions upon which the economy and the efficiency of the army may in a great degree depend. As to the speech of the right hon. Baronet the Minister of War, I heard it with some pleasure and also with some regret. I observed with pleasure, that while he submitted to the House some defence of the purchase system, very much as though he was stating what had been supplied to him by the department which he officially represents, he carefully avoided committing himself to any general approbation of that system. On the other hand, I noticed with regret that the whole tenour of his speech seemed to be what one not unfrequently hears from the Ministerial Bench, but what one regrets to hear from a Minister of acknowledged capacity—an apology for doing nothing. The right hon. Gentleman spoke of the departmental diffi-

culties, the difficulties of detail, attending a settlement of this question. Now, I sat with the late Lord Herbert upon this Commission, and I know how ardently he took up the views which are embodied in the Report, and I can well understand that when he was Secretary of War, he, in health already beginning to fail, should shrink from the inevitable difficulties attending this complicated question; for him there was, unhappily, only too good a defence; but, whatever the difficulties of detail may be, I am well assured that they are only such as every Minister can point to when he wants an excuse for not acting; and as every Minister can very quickly dispose of when the Cabinet of which he is a member thinks it time that action should be taken. The right hon. Gentleman said there had been an amalgamation of a certain portion of the Indian army, and that by that means a certain number of non-purchase regiments had been created, and that therefore it would be as well to wait until we saw how the system of non-purchase worked in these cases. But how long are we to wait? This would be a reason for waiting for the next twenty-five years, and it affords no answer to the statements made by the Commissioners in their Report. The Commissioners think that there are certain appointments of great importance and involving grave responsibilities, which ought not to be disposed of by the hap-hazard system of purchase. The right hon. Gentleman, in reply, says that we ought to take no action at all until we see how the system of non-purchase works in certain regiments, where, by the way, purchase according to the English system never existed, and where, therefore, the results which we are to wait for were as visible when the Commission was appointed as they are now. Well, that is nothing more than an apology for indefinite delay. Again, the right Gentleman said, "You cannot touch a part of the system without touching the whole, and as to touching the whole that is too great a matter, as it would involve a compensation of something like £7,000,000." Now, that point was fully considered by the Commission. I do not for a moment deny that our Report is in substance an attack upon the system of purchase as a whole; but we carefully abstained from advising its entire abolition, partly for the very reason which the right hon. Gentleman has given—namely, that

it would involve a large and indefinite expense, although that expense would be lessened by being spread over a considerable number of years ; and partly, also, because at present, whatever the opinion of the general public may be, military opinion is not ripe upon the question. I do not want to overstate the case, and I fully admit that a numerical majority of officers would now be opposed to the abolition of the purchase system. But in a matter of this kind opinions should be weighed as well as counted ; and when I look at the testimony given by such men as Sir Duncan M'Dougall, Lord West, Sir James Scarlett, General Franks, General Spencer, and, above all, by Lord Clyde, all against purchase, I must be allowed to doubt whether there is such a preponderance even of military opinion as is sometimes claimed in favour of retaining the present system. As I have mentioned Lord Clyde, perhaps I may be allowed to point out that, by a curious accident, he has, in evidence given six years ago, completely answered one of the strongest points made in his speech to-night by the right hon. Baronet the Secretary for War. The right hon. Gentleman, arguing against the system of selection, said—"What a cruel case it would be, when the colonel of a regiment dies, if after the major has taken the command, and months have passed, he is told that he can retain the command no longer, and somebody else is put over his head." But does not that happen under the purchase system ? Lord Clyde says—

"An officer in the 55th had been promoted for service in the field, and had obtained his brevet majority. He led the assault at Chinkiang-foo, and though he became brevet lieutenant colonel, and was in command of the regiment in the field, in the presence of the enemy, a young captain who had just come out purchased over his head, and he was obliged to descend to the command of a company."

That shows that the very abuse of which the right hon. Gentleman speaks as likely to arise under the system which he deprecates, does actually arise under the present regulations. As regards military opinion, I do not think that we are to test it by the opinions expressed in this House. It is a popular belief, and in the main it is true, that the system of purchase unduly favours those officers who happen to be men of fortune. Now, that is just the class who are likely to be represented here, and I do not think we ought to take their opinion as being an absolutely accurate representation of that of the army in general. My

right hon. and gallant Friend (General Peel) said something about amateur reformers of the army, obviously meaning that this was a subject with which civilians had little business to interfere. Now, I venture to say, that although those who have been brought up in a system are probably the best qualified by experience to administer it, they are, as a rule, not the best qualified to judge whether the system itself is one which ought to exist. I speak of officers of the army with all respect, but I shall be excused if I do not speak of them with higher respect than I should of the judges upon the bench. Now, it is notorious, that thirty years ago, when there was an agitation for a reform of our criminal law, when a man might be hung for stealing above the value of 40s., the great majority of the judges were in favour of maintaining the then existing law, and argued against concessions of which now no rational man doubts the expediency. I only mention this in order to show that persons not previously familiarized with a system are perhaps the best qualified to judge as to the policy of retaining it, because they will be likely to form an unbiased judgment, one not warped by previous habit or training. The House will remember that the system of purchase is unknown in any other army than ours. In the Indian army it exists, but in a form so modified, and so divested of its objectionable features, that the two systems cannot fairly be compared. It is unknown in the navy, in the civil service, and in a large part of our army—in the Artillery and Engineers. Perhaps the fairest test you can find of its merits, is to appeal from those who are accustomed to it to those among whom it has not been introduced, and to ask what would be the feeling of all or any of these professions if you were to try to establish it where it has not existed before. But, in fact, I am understating my case. There is nothing new in purchase. The system of purchasing offices has, at some time, existed in every European country ; in every European country it has been abandoned ; it has existed in the civil service of England, and here, in every profession but one, it has been abandoned as incompatible with the ideas and requirements of modern times. In the seventeenth century civil offices were purchased in England, and that without secrecy or corruption. In the old monarchy of France military, civil, and judicial appointments were purchased.

It may have been the same in other countries ; but, under the influence of the ideas that have prevailed during the last seventy years, the practice has everywhere died out except in the British army. The origin of the practice itself is easy to explain. When offices were more lucrative than they are now, the Government felt a reluctance to displace the holders of them summarily ; and thus, if I may use the term, a sort of tenant-right grew up, and those who succeeded to an office paid a compensation for it. The history of this system of purchase is that of many other abuses. First, a practice is more or less openly connived at ; then it grows into a custom ; and, lastly, what has been a general custom grows into an institution. Then theories are invented to defend that institution, which would be unintelligible to its earliest authors.

And now let us consider a moment how the system works—first, as to the individual officer, and next as to the State. As to the individual, I do not see how any one can make light of the hardship he must feel it to be purchased over. On that point I will again quote an authority—that of Lord Clydo. In his evidence before the Commission he says—

"There is always pain felt if one man gets over the head of another by means of mere money." He stated, too, from his own experience, that he was put to great pecuniary inconvenience in order not to be passed over by other purchasers. He mentioned the case which I quoted just now, of the major who was purchased over while commanding his regiment in the field. Another case cited in the Report is that of an officer, who, on the ground of qualification, received from the Duke of Wellington, in the Peninsula, the command of a regiment, which he would have been compelled to decline for want of funds unless other officers had combined to make up a purse for him ; and this happened in time of war. Can you have a stronger argument against the necessity of purchase than the fact that an officer whom the Commander in Chief in the field thinks the fittest man to command a regiment cannot hold that command but for the accidental interference of his brother officers to help him, and that without that help the command before the enemy must have gone to some one less fit to hold it ? Those who have read the life of Sir Henry Havelock will remember his feelings of mortification at being purchased over three times. Could any one suppose that the army gained by

such a system as that ? I do not wish to exaggerate the grievance ; but it seems to me, that as a general rule the officer purchased over is likely to be the best rather than the worst, and for this reason—that of two men entering the profession with equal talent, one of whom takes up his profession merely as a temporary occupation, having nothing dependent upon it, while the other feels that not only his chances of distinction, but his very independence and fortune, depend on success—the latter, by no merits of his own, but from the circumstances of his position, is almost sure to work harder and to prove the more active and efficient. Then look at the effect of the system on the officer who purchased. He says, with perfect truth, that his pay is only a fair income on capital laid out, or 5 per cent on an average on what he has paid. He may say he gives his services to the State without remuneration. And, though the honourable feeling of officers induces them to take this circumstance very little into consideration, yet it is impossible they should not think it something of a hardship if called to perform arduous duties in time of peace. If the feeling is not stronger, it is a proof that the men are good, not that it is a good system. Again, consider what a speculative transaction is the purchase of a commission to an officer of small means. At the best, he sinks half his fortune in a life annuity. If he dies on service, the whole of the capital is lost to his family. Since the subject was last discussed in the House it is true there has been some improvement in the system ; now if an officer is killed in action, or dies within six months of a wound received in action, his family receive the value of his commission. Thus the grievance has been partially removed ; but if an officer dies from disease, or the effects of climate, there is nothing for his family. Thus an officer is not only exposed to the risk of losing his life in the performance of his duty, but his family are subjected to a fine because he has been forward to expose his life. And what is the defence made for this system ? It is said you get younger officers by it. I believe we have younger officers in the English army than in any service in Europe. But the real reason is, in England a large class of young men enter the army for a few years, not intending to make it the permanent business of their life ; but attracted by congenial society, and perhaps by the hope of seeing a little service. This class of officers retire

*Lord Stanley*

from the army early, but not in consequence of the purchase system. They would equally retire on succeeding to estates, or forming local ties, if they had paid nothing and were to receive nothing back. Then, it is said, selection would be invidious, and that there is no danger of bad appointments, because there is a veto on all appointments in the War Department. But though the official veto may exclude bad characters, it does not exclude incompetence; and I could never understand why a man placed in the high position of the Commander in Chief should be more afraid of exercising a responsibility that is exercised of necessity by every head of a great department continually. But, it is asked, does the Commander in Chief know the state of the many different regiments scattered so widely over the world? If he does not, the army must be in a far worse state than I believe it to be. I have always supposed that the Commander in Chief is informed of the state of every regiment in the service. Then it is said there is the risk of touching a susceptibility of feeling in the men who may be passed over. But I never could understand how, under a system of selection, a man can feel disgraced because he has been passed over, when near the top of the list by seniority, by a man on the whole better fitted to command. That is a degree of susceptibility which is not indulged in any other profession, and which is inconsistent with the course of human affairs. Then, however painful it may be to any man to have another preferred over him, the question ought to be considered, whether that state of things has not its good side as well as bad. The fear of being passed over may act as a stimulus to exertion. At present the deficiency of the service is the absence of any stimulus to officers, especially in time of peace. There are in the army many men who, it is evident, are well-meaning, but who are as evidently incompetent. Such men as these may be passed over by the system of selection. But, if there must be cases of this kind, is it not much better for a man to feel that he has been passed over because somebody else is thought more fit to command than to know that he has not risen because he could not obtain a certain sum of money? It is quite clear that having better men put over their heads when they reach a certain rank would precisely supply a stimulus of emulation which at present is not in existence. I have only, in conclusion, to ask the

House seriously to recollect what is the power which is put in the hands of a commanding officer. It should never be forgotten that an officer in command of a regiment, by his ignorance and incompetence, may compromise the lives of hundreds of men, and perhaps decide adversely the fate of a battle. I think any man, looking without prejudice or preconceived notions, must see that a position which may, under certain circumstances, be of so much importance, ought not to be given away by hap-hazard; but that it ought to be under that control by the Commander in Chief which can only be obtained by a judicious system of selection. And let me say further, that where there is neither marked incompetence on the one hand, nor marked superiority on the other, the rule of seniority would not often be departed from, and that the painful cases of officers being passed over would occur less frequently in practice than is assumed for the purposes of argument. I will only remind the Government, that however they may regard the question now, they are, as a Cabinet, pledged to the measure which my hon. and gallant Friend recommends. It was formally announced by them to this House that they intended to adopt the recommendation of the Commission; and though that pledge may go the way of other pledges, and that reform share the fate of other reforms, the present is not an age tolerant of abuses, and I venture to say that in less than a quarter of a century not one rag of the system of appointments by purchase will remain in the English army.

COLONEL SYKES was understood to say, that they had already gained sufficient experience of the working of the non-purchase system in some divisions of the army. What necessity was there, therefore, to decline carrying out the recommendation of the Commissioners? The Indian army was an example of the working of a system of promotion without purchase, as up to 1832 the practice of Indian officers making a purse to induce their seniors to retire was unknown and unrecognized. As to interference of the House in matters connected with the army, which had been deprecated, he should justify it upon the ground that they voted the supplies, and passed the Mutiny Act. It was said that the purchase system brought out young men at the head of the army, but he regarded that as a disadvantage rather than a benefit.

VISCOUNT PALMERSTON said: The

greater part of the speech of the noble Lord opposite was upon a question which is not now brought before us—namely, upon the general question, whether purchase is or is not expedient in our army? Upon that I will say a few words. I quite admit that the English army, and, notwithstanding what my hon. and gallant Friend behind me (Colonel Sykes) has said, the Indian army, were the only cases in which a system of purchase prevailed; and, with all deference to him, I think the system of purchase in the army of the East India Company was far more objectionable than the system of purchase in the Queen's army. In the British army it is optional with each officer to purchase or not, as his means enable him to decide. In the Indian army it was compulsory upon every officer to contribute, and every officer who declined to contribute to a purse to buy out the superior officers, was looked upon as a black sheep, and received a civil hint that he had better retire from the service. I quite admit, that if the system of purchase did not exist in the British army, no one probably would think of introducing it. But I do not agree with the noble Lord, in saying that a thing, which would not be thought of originally, might not, when established, and when opinions and habits become attached to it, work well, although theoretically objectionable. That, I believe, is the case of the system of purchase. Then the noble Lord says, what an effect it must have on the feelings of an officer to be passed over because he is not able to purchase. I say, in answer, that when a man goes into a career, knowing what the regulations are, he does not feel so much mortification, when the regulations of that career apply in his particular case to his detriment, as he would in any other case when the detriment brought upon him is not the result of established well-known regulations acting impartially on all, but arises from what he would consider a capricious exercise of power. In other services, where purchase does not exist, the rule of seniority or the rule of selection applies. The inconveniences of seniority are met in the French service by a regulation which compels every officer to retire at a certain age, that age being in proportion to the rank which he holds, less for a lieutenant than for a captain, and so on. I hold that it is a regulation which, although it insures a set of young

officers for their army, may very possibly deprive, and frequently does deprive, the service of men perfectly competent to command, and who would be most distinguished in their career; and therefore there is a great objection to it in practice. The principle of selection for the army may be very good as a general principle for a despotic Government. I do not mean to say that it is likely to be better administered by a despotic Government, but that the complaints to which it may give rise do not find their way so readily to the public ear. But, in a country with a free constitution such as ours, where a man may say, print, or send for publication to the newspapers whatever he likes; where no man is so friendless that he cannot get some zealous advocate in this House to urge his case, to expose to the world the tyrannical prejudice of some higher authority against him, to institute a comparison between his services and merits and those of the person who has been placed over him—under such circumstances, I am afraid that the general principle of selection would lead to consequences which would not be for the advantage of the public service, and would, indeed, be exceedingly detrimental to the position and usefulness of the men in authority by whom the selection would have to be made. I think what has been stated by the right hon. and gallant General opposite (General Peel), as to the inconvenience which might arise on a vacancy happening in a regiment on a foreign station, where no opportunity had been afforded of acquiring distinction, is quite unanswerable. The Commander-in-Chief would find an officer belonging to another regiment, whose good fortune it had been to be at the seat of hostilities, and to distinguish himself by some brilliant exploit, and would send him out to the guard station to supersede the major in command, who was, in all probability, as brave, as judicious, and in every way as competent to perform the duties of the office, and who would, if on the scene of action, have earned as much distinction as the other who had been lucky enough to attract public notice. One can conceive how an officer in the situation of that major, who finds himself superseded by one whom he does not think his superior in merit, while he may be his junior in the army, must suffer from a sense of great and unmerited injustice; and such cases I believe would very often occur. I am therefore of opinion, that with regard to the Motion of

my hon. and gallant Friend the House will do right in adopting the proposal of my right hon. Friend to proceed to the Orders of the Day. The noble Lord opposite charged my right hon. Friend (Sir George Lewis) with departing from a Resolution which had been communicated to the House. It was Lord Herbert who came to the conclusion, on full reflection, that the Resolution was one which it would not be advisable to carry out; and last year that change, or rather postponement of purpose, was announced to the House. My right hon. Friend having succeeded to office, after deliberate consideration, adopted the view of Lord Herbert, and by that view the Government is prepared to stand. The noble Lord complains that my right hon. Friend is in the position of a man who is unwilling to do anything. There may be cases in which disinclination to do what you are satisfied is a good thing may be an objectionable quality; but the disinclination to move forward in order to do that of which you doubt the propriety, and which you apprehend may be attended with inconvenient results, is a different thing. We know the maxim *in dubio siste*, and I believe the course followed by my right hon. Friend is a matter not of censure, but of praise.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 247; Noes 62: Majority 185.

Question again proposed, "That Mr. Speaker do now leave the Chair."

#### THE IRISH CONSTABULARY. OBSERVATIONS.

COLONEL DICKSON, in rising to call the attention of the Chief Secretary for Ireland to certain murders lately committed in Ireland, and to move for a Select Committee to inquire into the organization, equipment, and employment of the Irish Constabulary, said, he trusted he should not be understood as being influenced in any degree by a spirit of hostility to a body of men whose conduct and discipline had invariably been above all praise, and who, he believed, under more favourable circumstances, would most efficiently perform the important duties for which they were enrolled. His sole object was to draw the attention of the right hon. Baronet the Chief Secretary and the

House to the military appearance which that force was assuming, and which he conceived, in common with many others of his countrymen, was detrimental to their efficiency as police. The first thing that attracted his attention in connection with the subject was the enormous increase of the expense of the force. In 1842, when Ireland was in such a state of excitement that Earl De Grey might be almost said to be barricaded in Dublin Castle, the expense of the Irish constabulary was £433,600, half of which was borne by the counties. Since that time the whole of it had been put on the Consolidated Fund. In 1858, when that country was again in a state of disturbance, the expense of that body was £562,500, the increase being £128,000; whereas at present, only four years afterwards, it had increased to the enormous extent of £779,860. Nor was that the whole of the expense; for, independent of that, there was a large outlay for barracks, which was charged in the Estimates for the Board of Works, and which, if taken into consideration, would make a very large addition to the cost of the police force. He thought that at a time when there existed a general feeling that the public expenditure was unduly increasing, the House had a right to demand the reason for so large an increase in the expenditure of the Irish constabulary. Among other items there was one of £80,000 for distribution of the Enfield rifle among the force, and their instruction in its use. Now, he could not understand why it was necessary to arm a purely constabulary force with that weapon, which was fit only for military service. He knew very well that the noble Lord would say, "If the men are to be armed at all, let them be armed with the best weapon;" but the most useful and appropriate weapon for the police was the short carbine, which was handy to carry, and did not impede the rapidity of their movements, whereas the Enfield rifle was a most delicate as well as expensive rifle, which was peculiarly liable to injury in the rough work police had sometimes to do, besides which it was a serious inconvenience to have to carry it in a hand-to-hand encounter. If they wished to make a standing army out of the police force, he could then understand arming them with such a weapon, and also sending detachments of them for training and instruction to Hythe and other military schools; but he contended that in the case of police-

men nothing of the kind was required. Then, with respect to the organization of the force, great stress had been laid upon the necessity of its being placed under a military commander; but, in his opinion, however desirable it might have been to place the force under a military commander during the time of its organization, he did not see the necessity of it at present. He said nothing whatever against the military officers at present commanding that force. On the contrary, he wished to pay them the highest possible compliment for the admirable way in which they performed their duties. Still, he could not shut his eyes to the fact that it was a sort of compensation for promotion in their own service, while at the same time it was detrimental to the efficiency of the force itself, because it deprived the constables themselves, who had important duties to perform, of all the chances of promotion which existed in ordinary police establishments. The plan adopted in Ireland had been to assimilate the police force as much as possible to the military service, and they even went so far as to keep a reserve in Dublin at great expense. What necessity, he would ask, was there in times of railways to keep a reserve in Dublin, when men might be brought from all parts if any district of the country were in a disturbed condition? He would now pass to the state of the country, which was rather a ticklish subject; and he hoped on that occasion he should neither be misrepresented nor misunderstood, and that the right hon. Baronet would not think it necessary to pass upon him the undeserved rebuke he had inflicted the other evening. He was sorry to say that noble Lords and right hon. Gentlemen on the Conservative side of the House had joined in that rebuke, while their precious ally, the *Dublin Evening Mail*, utterly regardless of the services which he had rendered to the party of which it professed to be the organ, in an article replete with audacious mendacity and virulent scurrility, held him up to the country as parleying with assassins, and making the coffins of his friends the platform on which he sought a miserable and despicable popularity. As a landlord himself, he was not likely to advocate any diminution of landlords' rights; he had never, like some of his right hon. Friends, concurred in the utopian scheme of fixity of tenure; nor should he be advancing the interests of the tenants by setting against them that class on which their

happiness and comfort depended. He was prepared to maintain that the landlords of Ireland, as a body, were worthy of their possessions, and that in the performance of their duties they would bear comparison with their peers in any other portion of the Queen's dominions; but if they were to investigate the truth, they would find that there was a peculiarity in the condition of the people which did occasionally affect the relationship of their dependency on each other for their mutual support. The tenants of the murdered gentlemen were actually in gaol for the offences; and when they saw the terms in which the threatening notices were couched, if he said that the great majority of those crimes did arise from questions concerning the land, he was only enunciating the truth, which neither his noble and right hon. Friends, nor an ignorant and prejudiced scribbler could deny. The subject deserved the highest consideration on the part of the Government, and that consideration might be the means of bringing about a far more wholesome state of affairs than then existed. He did not wish the police to be disguised or used as spies, because that system would be fraught with evil repugnant to the feelings of everybody, and wholly unworthy of the Government; but he thought the less of a military character they possessed, the more they were separated from the centralizing system in Dublin, and the more they were placed under the control of the local magistracy, the greater respect they would receive from the people, and the more efficient they would become as police constabulary. They all knew that where a system of terror was established in the country, the farmers of Ireland were as much under the feeling of intimidation as the landlords themselves. He did not bring the subject forward from any hostility towards the police. So far from having any such feeling towards them, he believed that they generally discharged their duties as efficiently as their position allowed them. He simply complained of the duties that were imposed on them. He wished to put an end to their military organization, and to their military style of arms. The judges of assize had already expressed their opinions upon the subject. He felt he had now done his duty, in submitting the question to the House, and he hoped that he had said enough to induce the right hon. Baronet the Chief Secretary for Ireland to take the matter into his most

serious consideration, with a view to remedying the evils which were so generally complained of. The hon. and gallant Member concluded by proposing his Motion.

MR. VINCENT SCULLY said, that the people of Ireland were much indebted to the hon. and gallant Member who had brought forward the subject.

Notice taken, that 40 Members were not present; House counted; and 40 Members not being present,

House adjourned at a quarter before Eight o'clock, till Monday next.

#### HOUSE OF LORDS,

*Monday, June 2, 1862.*

MERSEY, IRWELL, &c. PROTECTION BILL.—PETITION AGAINST.

(PUBLIC AND PRIVATE BILLS—PRACTICE.)

Order of the Day for the House to be put into a Committee on the Mersey, Irwell, &c. Protection Bill, read.

Then it was moved, That the House do now resolve itself into a Committee.

LORD KINGSDOWN said, he had to present a petition with respect to this Bill. By a recent Standing Order it was provided that when a Private Bill, which passed through a Select Committee, appeared to partake of a public nature, it should afterwards be referred to a Committee of the Whole House. The present Bill was the first case which had come before their Lordships under that provision. Its object was to inflict severe penalties on any person who should throw refuse into the streams to which it related, and it had this peculiarity—that he could not make out whether it was a Public or a Private Bill. The petition which he had to present against the Bill was signed by about 100 persons, owners, lessees, manufacturers, and proprietors of works on the streams of the rivers Mersey and Irwell and their tributaries. In all cases where a Private Bill affected private interests, the Standing Orders required that notice should be given to the parties whose rights were prejudiced. This Bill, the powers of which extended over an area of 400 square miles, was promoted by the Mersey and Irwell Navigation Company; and they rested their case on the fact, that in consequence of the rubbish thrown into

those streams, the navigation was impeded. It was possible that might be so; but he apprehended it was the duty of the Navigation Company to remove those obstructions. In any case, however, it was no reason why the Mersey and Irwell navigation should be placed in a different situation from other navigations. Those streams flowed through a large manufacturing district, and he could not understand why the millowners and other occupiers of their banks should be subject to penalties which were not imposed upon persons connected with other rivers. Why was the common law of the land to be altered for the benefit of one particular company? If it required alteration, it should be done for the benefit of all navigable rivers. A curious circumstance connected with the Bill was, that the only part of it in which he found the names of the promoters was a clause which exempted them from the operation of the measure. The petition, which was signed by Mr. Rideout, Mr. S. Blair, and, as he had already said, by about 100 individuals, prayed that the Bill should not be passed into law. Under its provisions, any man throwing rubbish into the streams named, over a distance of twenty-five miles, could be taken before a magistrate and fined £5 for the first offence, £10 for the second, and £20 for every subsequent offence; and the worst part of it was that half the penalty went to the common informer. Now, the majority of the occupiers had, probably by prescription, or in some other way, the right to throw rubbish into the rivers, and, under the circumstances, he did not think that the Bill, which so seriously interfered with that right, was entitled to the favourable consideration of the House.

LORD REEDESDALE said, that when the Bill came before him he had considerable doubts whether it should be proceeded with as a Private Bill; but it was then a much larger measure than as it now appeared. Being a Bill of a novel character, he watched it with great jealousy; but it was a strict rule of the House that no Bill which only affected a particular locality should be treated as a Public Bill. It was his duty to see whether the evil complained of demanded legislative interference, and whether it was a general one or only confined to a particular locality. From the evidence brought before him it appeared that the evil was a very great one, and that large deposits, which were very detrimental to the navigation, had accumulated

in different parts of the streams, in consequence of the practice of throwing rubbish into them. The whole district was covered with mills, a large number of which originally used water power ; but in many there was now steam power also, and it was a common practice to throw the ashes into the stream. This was not only objectionable as regarded navigation, but it injuriously affected the drainage of some of the towns. The promoters of the Bill said, that notwithstanding all the dredging the evil was increasing, and that some restriction ought to be imposed in order to prevent a worse nuisance ensuing. With regard to notice, he thought that ample notice had been given by the public advertisements, and, besides, the different parties interested appeared before the Committee, by whom the whole subject was fully investigated—in point of fact, the Bill was very severely fought in Committee. The Bill had been considerably amended, so as to remove some of the objections which were first entertained to it ; and he was disposed to think that it ought to be allowed to proceed.

LORD OVERSTONE said, that it was of extreme importance that these Private Bills, which really affected great public interests, as well as vested rights, should be closely watched in their passage through Parliament ; and that the most minute examinations should be made of the details, whether the measure happened to be opposed or not. He thought this Bill affected numerous private interests very closely, and should not be passed without careful consideration.

THE EARL OF BELMORE said, that he thought it better, as a Member of the Select Committee which had sat on this Bill, to state to the House some of the facts connected with it. It had been proved in evidence, that in 1849, when the inconvenience caused by the deposits in the bed of the navigation first began to be felt, borings had been made in the deposit. These were repeated in 1856 and again in 1862 ; and it was found that the rise in the bed of the river—not in all places, for in some it was actually now deeper than it was in 1849—but on the average, was about twenty-two inches, and that it was much more rapid in the latter part of the time than in the former ; so that if the present state of things continued, in five years there would be no navigation at all. Under these circumstances the Committee considered themselves bound to pass the

Bill. No doubt the powers sought for were very large, and he believed that every Member of the Committee expressed an opinion that it would be right that the noble Lord the Chairman of Committees should bring the Bill under the notice of the House. But he was the more satisfied with the course which the Committee on the Bill had pursued, from the circumstance that the counsel for the opponents had called no evidence. He had, however, cited two cases with regard to *user*. To these cases the counsel for the Bill replied, and commented on them ; for no evidence having been called against it, he had no right to a general reply ; and, in his (the Earl of Belmore's) opinion, it was shown that one of these cases had nothing whatever to do with the question, and that the other had rather told against it.

LORD CHELMSFORD said, that the objection to this Bill was raised by those who thought their interests would be affected by it. He contended they had sufficient notice to appear before the Committee by counsel, and might have produced evidence and cross-examined witnesses : but they had not thought proper to do either. It was clearly shown to the Committee this practice of throwing rubbish into the stream had been carried on for some time and to a considerable extent, and even that the manufacturers had produced machinery at their different works to facilitate the conveyance of material into the stream. His noble and learned Friend (Lord Kingsdown) had unintentionally stated that the provisions of the Bill would enable any common informer to make a property out of the infringements of the law which would be produced by the acts done after the passing of the Bill. That could hardly have been a correct representation, because the only persons who could lay informations were the corporation, the Mersey, Weaver, and Irwell Company themselves, or the owners and occupiers of lands adjoining one of those streams. He apprehended the present Bill was one which their Lordships should entertain, because it had already received the consideration of a Select Committee, who had unanimously expressed their opinion in its favour.

THE EARL OF CAMPERDOWN said, the object of the Bill might be a very right and proper one, but he was very much struck with what had been said by the noble Baron who presented the petition.

It seemed that the Bill was originally introduced as a Private Bill, and was treated as such, and that in consequence no notice had been given to any parties whose interests were likely to be affected ; but it was now proposed to be treated as a Public Bill. He thought they ought to pause and hesitate before they went on with the measure, and therefore he should move that the Bill be committed that day three months.

*Amendment moved, to leave out "now," and insert "this day three months."*

LORD STANLEY of ALDERLEY thought, that although the present Bill had been introduced and treated as a Private one, it was to all intents and purposes a Public Bill, since every manufacturer and every landowner and occupier over the districts affected by the measure was liable to the penalties inflicted by it. He believed this was the first time that powers of such a kind had been sought to be obtained by means of a Private Bill, and he considered their Lordships ought to have an opportunity of discussing those powers before the Bill was finally disposed of.

THE EARL OF DERBY said, there was no similarity between the case of the Committee for which he had formerly moved, and the question now before their Lordships, because in the former instance he had received applications from almost every part of England, and the Motion had a general application ; whereas in the present case a particular locality was referred to. The evil, however, was one of growing magnitude. The manufactories on the banks of those rivers had year after year seriously affected the navigation and drainage, and the matter was now becoming so serious, that unless some legislative interference took place shortly, it was impossible to calculate the amount of injury which would result. The manufacturers themselves admitted that some steps should be taken, and the members of the Committee were unanimous upon the subject. The Bill had already gone through the Select Committee as a Private Bill, and it was now proposed to commit it to the investigation of a Committee of the Whole House ; but the proposition of the noble Earl would reject the Bill altogether.

LORD CRANWORTH said, that although their Lordships were then asked to go into Committee on the Bill, they

had never had an opportunity of considering its principle on the second reading, from the fact that it had been brought forward as a private measure. He would suggest that any further proceeding in the matter should be deferred for a short time, in order that they might be enabled to inform themselves more accurately in respect of its merits or demerits.

EARL GREY said this, Bill differed in no respect from the ordinary Bills for the protection of harbours, except that it applied to a larger district of country. Ship-owners were not allowed to throw ballast into the Tyne ; and the only hardship to the millowners in this case was that they would be deprived of a cheap and easy mode of getting rid of their rubbish at the expense of the public. The Bill had been before a Select Committee, counsel had been heard on both sides, and an unanimous conclusion having been come to by the Committee in favour of the Bill, he saw no reason for refusing to consider it in Committee of the Whole House.

LORD CRANWORTH said, he would propose that the further consideration of the Bill be postponed for a fortnight.

THE EARL OF DESART concurred with the noble Earl (Earl Grey) that they should so far adopt the recommendations of the Committee as to proceed to the consideration of the clauses of the Bill.

LORD PORTMAN was of opinion, that if their Lordships refused to go into Committee on the Bill, they would make it a very difficult matter for Committees in future to recommend measures to the consideration of the House. He would strongly urge upon their Lordships to go into Committee, when he intended to propose amendments upon some of the clauses.

LORD TAUNTON said, that harbour Bills did not go to Select Committees till all the questions raised by them had been considered by the Admiralty or the Board of Trade ; and the Committee were guided very much in their decision by the opinion of an impartial and responsible Government officer. He saw no way in which questions of this nature could be satisfactorily determined upon by the House ; and he thought it would be well if the practice in the case of harbour Bills was followed in regard to such Bills as the one now before their Lordships. He did not think they would be in a bit better position to decide upon the question a fortnight hence than they

were now, and therefore there was no advantage in postponing the Committee.

THE LORD CHANCELLOR said, he regarded this as a very objectionable measure. A very great public question was brought forward in the guise of a Private Bill, for the protection of the rights of a private company. It was a very serious question, whether there ought not to be some alteration in the law which should prevent the obstruction of tributary streams to navigable rivers. He was not aware of any enactment at present by which the public interest in a navigable river could be protected from having its supplies cut off by the acts of proprietors on the banks of its tributary streams. But, although that great evil was quoted as a reason for the introduction of this Bill, its provisions left the general question entirely untouched, and would amount to nothing more than an invasion of private property. There were a vast number of tributary streams flowing into these navigable rivers, the banks of the streams being the property of private individuals ; and the only obligation upon the owners of the property by law was that they should not prevent the flow of water going down to other proprietors of land below them. The law had never gone to the extent of holding that a navigable river fed by the stream should be protected in any manner by the intervention of the Attorney-General. This Bill proposed not to legislate in such a manner as to secure the flow of water down to the navigable river, but to prevent the proprietors from dealing at all with the banks of the river ; and throwing anything—even a stone—into the river was made a penal offence. He thought it might be expedient to give power to a court of justice to restrain by injunction any act that might impede the flow of water so as to interfere with the navigation ; but their Lordships should be careful not to declare that an offence, which, might not in any degree contribute to the evil which they wished to remove. He thought legislation upon the subject necessary ; but he considered that the evil should be met by a general comprehensive measure, instead of by a Bill dealing with a particular interest, and which would prove a petty, trifling, and vexatious procedure, without accomplishing the object in view.

THE MARQUESS OF CLANRICARDE thought this measure a very one-sided one, and that it ought not to be agreed to.

*Lord Taunton*

He quite agreed with the noble and learned Lord, that the question involved was a fit one for general legislation.

LORD BROUGHAM thought there were already in existence powers to prevent the gradual filling-up of navigable rivers. If he were the owner of a stream, and chose to deepen it, throwing the rubbish he dug out into the river, he would be indictable for a nuisance ; and the same remedy was open against a person who filled the river in by any other means.

LORD CAMPBELL said, he should be satisfied with the postponement of the consideration of the Bill in Committee, and would withdraw his Amendment.

LORD REEDESDALE said, no doubt the remedy referred to by the noble and learned Lord (Lord Brougham), of indicting a person who filled the river in for a nuisance, existed, but it could not be carried out, as it was impossible to find out whose rubbish filled the river in. He should suggest that the Bill be postponed till that day fortnight, and that in the mean time the evidence taken before the Select Committee be printed.

Amendment and original Motion (by leave of the House) withdrawn ; and Committee put off to Monday the 16th instant.

#### FLOATING BREAKWATERS.

LORD RAVENSWORTH asked the First Lord of the Admiralty whether Her Majesty's Government had taken any steps, or intended to take any steps for carrying into effect the recommendation of the Select Committee of their Lordships' House in 1860 upon floating breakwaters, &c., which was reported in the following terms :—

"The Committee are not prepared to recommend that the Government should undertake the task of constructing breakwaters on these principles ; but looking to the vast cost of harbours constructed upon the systems hitherto in use, they are of opinion that a moderate sum may be advantageously expended by the Government in testing any plans which may offer a probability of important results in great future saving of money and in giving protection to life and property in various localities. To carry this object into effect the Committee recommend that a sum not exceeding £10,000 be placed at the disposal of the Admiralty."

To show the importance of the subject, he might observe that the Committee stated in their Report that the annual loss of property off our coasts arising from casualties—that was shipwreck—had been, on

the average of six years from 1852, £1,500,000, while 780 lives had been lost on the average during the same period. This was sufficient to prove that some protection was needed. A great many ingenious contrivances were submitted to the Committee for providing floating breakwaters at various places round the coast, which the Committee recommended should be experimented upon, and that a moderate sum should be appropriated to that purpose. Since that period very large sums had been voted for carrying out experiments in new inventions for the destruction of human life, and he thought Parliament could hardly grudge the outlay of the small sum suggested in an experiment the object of which was to preserve both life and property. He was quite aware that practical and scientific men had given opinions adverse to the probable efficiency of these floating breakwaters ; but when it was remembered that practical and scientific opinions had been quite as strongly pronounced against steam navigation, railways, and that even now old artillery officers were as strongly prejudiced against the Armstrong gun, believing it to altogether inefficient compared to the old smooth-bore, he hoped such opinions would not be allowed to prevail against devoting so small a sum for testing an invention which, if successful, would produce such beneficial results.

THE DUKE OF SOMERSET said, that two years ago a Committee of the House of Lords, of which he had the honour to be a member, was appointed to inquire into the subject of floating breakwaters. That Committee heard a great variety of opinions, both as to the advantage and disadvantage of floating breakwaters ; so that the Committee were divided in opinion. For his part, he did not concur in the recommendation of the Committee, that a considerable sum of money should be placed in the hands of the Admiralty, and that the Admiralty should try the experiments. At the present time the Admiralty had got sufficient experiments on their hands, and he was not very much inclined to incur large expenditure for which the Admiralty would be responsible ; for it was obvious, that if the plans for floating breakwaters succeeded, the gentlemen who proposed them would say that all the merit was theirs ; and if they failed, as he (the Duke of Somerset) thought they would, they would say that the Admiralty had conducted the experi-

ments in such a manner that they were certain to fail. Moreover, the sum mentioned in the Report of the Committee was entirely inadequate for the purpose. Every one knew that a light-ship could be so moored that it would not be moved by a storm ; but to moor a floating breakwater a quarter or half a mile long was a very different matter, and the question was not how to moor it against an ordinary storm, but a great storm ; and when that came, the probability was, that instead of protecting the shipping behind it, it would prove their destruction. For this reason the Admiralty had no wish to try experiments upon a large scale, and certainly to try experiments upon a small scale would be to throw money away. Since the Committee issued its Report two or three parties had proposed to try the experiment. The Admiralty replied that they would not withhold their permission from the operations, but they declined to make themselves responsible for any of the consequences which might happen to shipping. He had not heard lately that any companies were prepared to undertake these experiments ; but, in case works of the kind were carried on, the Admiralty would watch them with great interest, and would be very glad if good results followed. The question of harbours of refuge was one involving enormous cost, though within the last few years engineers had discovered that they could be constructed for much less comparative expense than they formerly were. The Committee had done good by calling the attention of engineers and of the public to the subject, but on the part of the Government he was not prepared to give any positive promise of undertaking a work of this nature.

THE MARQUESS OF CLANRICARDE said, the reasons adduced by the noble Duke were not, to his mind, satisfactory. The principle of the invention having received the sanction of the highest authority, he did not see why an outlay of £10,000 might not be attended with beneficial results.

LORD RAVENSWORTH said, that no enormous outlay was proposed to be made in the first instance. It was distinctly stated in the evidence before the Committee that these breakwaters were intended to be constructed in small portions, and therefore the invention might be tested at a small outlay ; for if a small portion were found to stand, the whole

extent of a long breakwater would be equally good.

#### RIVER DEE NAVIGATION.—QUESTION.

**LORD CHELMSFORD** said, he wished to ask the noble Duke the First Lord of the Admiralty for an explanation of the circumstances under which the Board of Admiralty insisted on the insertion of certain Clauses in a Bill now before Parliament, promoted by the Birkenhead, Flintshire, and Holyhead Railway Company, giving jurisdiction to the Admiralty over part of the river Dee, to the Prejudice of the Rights of the River Dee Company. He complained that after both Houses had three times refused to sanction the insertion of what were called the Admiralty clauses in respect to the jurisdiction of the Admiralty over the navigation of the river Dee, which was under the jurisdiction of the Dee Commissioners, they had this Session sought to re-introduce them in a private Railway Bill now before Parliament. He trusted the noble Duke would seriously consider whether, as these clauses had been rejected on several occasions, they ought to be inserted in this Bill.

**THE DUKES OF SOMERSET** said, that early this Session the Bill referred to was introduced, and was referred to the Admiralty under the provisions of the local Act, which required a preliminary report, and such a report was made. But all questions of reporting by the Admiralty on private Bills involved considerable difficulty. He afterwards saw a deputation of gentlemen representing private interests, who urged him to put his veto on the Bill; that he thought would have been unfair, without giving the other side an opportunity of being heard on the subject. The Admiralty, consequently, had directed a report to be drawn up pointing out the effect of the construction of a bridge over the Dee, on the navigation of the river, and proposed to insert certain clauses for the protection of the navigation, which it appeared to him under the circumstances to be reasonable to insist on, leaving the Committee of the House of Commons to deal with the matter. He would observe that the Dee Company was bound to keep open the navigation of the Dee by dredging to a certain depth. If in future this Bill should come before Parliament, the Board of Trade would have to deal with it, the questions involved being commercial.

**LORD CHELMSFORD** said, that if it

were true that the River Dee Company had neglected their duties, he was afraid it might be said that the Commissioners had neglected theirs, as they possessed powers to withhold the tolls, which they had not done.

**LORD REDESDALE** said, the question to be decided in 1851, was whether the Dee Company had kept the river at a proper depth, and it was considered that they had done so. He thought it was too much the habit at the Admiralty to insist on the promoters of Private Bills introducing a lot of cut and dried clauses, without reference to the particular circumstances of the case. He had known this to be done on several occasions. The River Dee Company are under penalties to keep the river at a proper depth, and justly claim to be allowed to do so in the way they think best, without being interfered with by the insertion of the Admiralty clauses.

House adjourned at a quarter past Seven o'clock, till To-morrow, half-past Ten o'clock.

#### H O U S E O F C O M M O N S ,

*Monday, June 2, 1862.*

MINUTES.]—PUBLIC BILLS.—1<sup>o</sup> Merchant Shipping Acts, &c. Amendment.

2<sup>o</sup> Transfer of Land; Declaration of Title; Security of Purchasers; Real Property (Title of Purchasers); Assurances Registration (Ireland).

3<sup>o</sup> Highways; Education of Pauper Children.

#### THE CHIEF CONSTABLE OF EAST SUFFOLK.—QUESTION.

**MR. G. W. BENTINCK** said, he rose to ask the Secretary of State for the Home Department, Whether he has received information of the delay of the Chief Constable of East Suffolk in attending to a complaint respecting his Chief Superintendent in October last; and whether he intends, in consequence, to issue any rules for the guidance of Chief Constables in cases of complaints against their subordinates, and for the prevention of errors of judgment, and of delays consequent thereon, in future?

**SIR GEORGE GREY** said, in reply, that the matter had come under the cognizance of the Police Committee, who, he understood, had expressed an opinion on the subject; and thought that the Chief

*Lord Ravensworth*

Constable committed an error of judgment. He was not aware that any rule on the subject was necessary; but if so, he should have no objection to have one framed. This case had been disposed of by the Police Committee, and the Chief Constable was responsible to the magistrates.

#### AGRICULTURAL STATISTICS.

##### QUESTION.

MR. HEYGATE said, he would beg to ask the Secretary of State for the Home Department, Whether it is the intention of the Government to take any further steps with reference to the collection of Agricultural Statistics?

SIR GEORGE GREY said, the Correspondence on the table would inform the House what had been the answers received from the Chairmen of Quarter Sessions on the subject. There were some counties in which the magistrates were willing to have statistics collected by the police, but in the majority of counties it was objected to. It was not thought desirable to have them partially collected. An application had been made to the Registrar General as to whether he could devise a plan for the collection of those statistics, but no decision had as yet been come to on the subject.

#### DISSOLUTION OF THE CANADIAN PARLIAMENT.—QUESTION.

COLONEL FRENCH said, he would take that opportunity of asking the right hon. Gentleman, Whether it was true that the Governor General of Canada had taken upon himself to dissolve the Canadian Parliament without consulting Her Majesty's Government?

MR. CHICHESTER FORTESCUE said, that Her Majesty's Government had received no information on the subject except that which had appeared in the public papers.

#### PATENTS FOR INVENTIONS.

##### HER MAJESTY'S ANSWER TO THE ADDRESS.

Answer to Address [27th May] reported, as follows:—

"I have received your Address praying that a Commission may be issued to inquire into the working of the Law relating to Letters Patent for Inventions:

"And I have given directions that a Commission shall issue for the purpose which you have requested."

VOL. CLXVII. [THIRD SERIES.]

#### TRANSFER OF LAND BILL.

##### [BILL NO. 101.] SECOND READING.

###### Order for Second Reading read.

MR. WALPOLE said, he had to present a petition from attorneys, solicitors, and proctors, praying that it might not be passed in its present shape, but that it be amended, so as to give effect to the recommendations of the Registration Commissioners of 1854 for establishing a system of registration of titles to land.

THE SOLICITOR GENERAL said, that the importance of the subject to which the Bill referred was universally admitted, and it was no longer incumbent upon him to demonstrate the utility of a measure which would give certainty and security of title, which would aim at perpetuating those advantages, and which would simplify and facilitate the transfer of real property. The House and the country were fully impressed with the magnitude of the evils which undoubtedly existed under the present system. Those evils might be stated in a few words. Under a complicated system of real property law which had grown up in this country, every vendor was under the necessity of deducing from a great variety of instruments a title which to be safe could not be for less than sixty years. The deeds were first examined by his solicitor, and the title perfected. An abstract was then delivered to the purchaser, and some practised conveyancer, was employed to see what possible holes and flaws could be found. The same process was gone through every time any fragment of the property was sold, and the House could easily understand that the expense entailed was considerable. It was true that a purchaser might now and then be found who would dispense with the investigation, but it was a common saying in the Court of Chancery that a "willing purchaser" meant an unlimited amount of litigation. The great points which in all the Bills which had come before the House had been aimed at as remedying these evils were two—first, to find some means by which a title once established should be deemed good for ever; second, to make such a record of the title, first ascertained and granted either absolutely or subject to certain qualifications, as should for the future facilitate its transfer, give certainty to dealings with it, and preserve it in a position of safety, certainty, and security. It was not difficult to judge of the practi-

cability of the first of the two measures, because they had some experience to guide them. In Ireland the experiment of giving Parliamentary titles, after due investigation, through the medium of a court of law, had been tried on a large scale, and with signal success. Among the great obligations which the country owed to the name of Romilly, not the least was the introduction by the Master of the Rolls of a measure which had been attended with such important beneficial consequences as the Encumbered Estates Act. The application of that Act was originally limited to estates subject to encumbrances, but it had since been extended to cases where no sale was necessary, and where no encumbrances existed. That was done by the Act of 1858, which established the Landed Estates Court; which was intended to be a permanent institution, and was empowered to give a Parliamentary title in respect of the properties passing through it. He believed Parliament and the country had every reason to be well satisfied with that course of legislation, and, as far as the present Bill went in the same direction, he presumed the House would be prepared to accept it. A noble Lord (Lord Cranworth) had introduced in another place the Bill which stood next on the paper. The provisions of that Bill were so entirely satisfactory that the Government was ready to adopt them, either as a separate measure or by incorporating them with the present Bill, according to the wish of the House. The Commissioners of 1854 recommended that titles granted under their plan should be guaranteed by Parliament, and that a fee fund should be formed as a source of compensation to persons who might be unjustly deprived of their estates. No provision for compensation was contained in the present Bill; but it was for the House to consider whether it should or should not be inserted. It was for the Lower House to initiate a proposal of that kind, which could not have been made by the Lords with much chance of acceptance by hon. Members. There was no reason, as far as he could judge, to apprehend that any serious pecuniary liability would be fastened on the country by a provision for compensation, so that a very small percentage on the value of estates which receive the benefit of the Act would be sufficient to meet all claims which were likely to arise on that score. Under the clauses of a similar kind in the Railway Acts, the companies had not been called

upon to pay any serious sums; and under the Irish Encumbered Estates Act, although about a third of the land of Ireland had passed through the Court, compensation had been claimed only in two cases: in one case to the amount of about £3,000; and in the other by a person who was the owner of a fee-simple estate, upon which there was a lease of 400 or 500 years to run. That claim was compromised for £20. The next point was the record of the title. It had been constantly asserted that there was no reason why the transfer of land should not be made as simple and easy as the transfer of stocks, shares, or ships. There was, however, a substantial difference between land and other kinds of property, which would always prevent the former from being transferred so readily and simply as other investments. Stocks and shares had no special identity of their own, but were, to a certain extent, abstractions. They represented a fixed unity, consisting of an aliquot share of a sum which was susceptible of arithmetical measurement. One sum of £100, or one share, was just as good as another £100, or another share in the same stock or company. But land was a reality, and not an abstraction—it was valuable for itself, as well as for the property it represented. The case of ships might at first sight seem more analogous; but in reality it also was different. The law divided the value of each ship into sixty-four parts, any one of which might be transferred upon the registry. And then, although there was this or that ship in question, each proprietor held only a certain share of the entire value, and could not assume physical possession of any particular part of the vessel. In endeavouring to facilitate the transfer of land, it was not intended to diminish the value of the ownership to the owners, or to prevent them from having the same means of making provision for their families, of settling their estates, or dealing with them according to their will and pleasure, which they now by law enjoyed. Bearing that principle in mind, he would remind the House of what had already taken place to clear the way for a measure on the subject. In the year 1853 certain Bills were received from the House of Lords providing for a system of registration of assurances. Those Bills were referred to a Select Committee, which recommended that they should not be proceeded with, but that a Royal Com-

mission should be issued to inquire into the subject. Before that Committee an eminent and able solicitor, Mr. Cookson, developed a scheme which was in substance afterwards approved by the Royal Commission, and in principle adopted by the hon. and learned Member for Belfast (Sir Hugh Cairns) in the Bill which he introduced into Parliament in the year 1859. Mr. Cookson's idea was to distinguish between land as an article of sale and as the subject of beneficial ownership; and he thought that in registering or recording the title it was inexpedient to look beyond the aspect of the land regarded simply as a commodity or article of sale. In accordance with that idea, he proposed that the register should be only of fee-simple interests, or of interests equivalent to the fee-simple, which would enable the land to be brought into the market. That view appeared to him (the Solicitor General) to be rather arbitrary. Mortgages, for example, whilst they were an accessory to the ownership of land, entered also into its quality considered as a subject of sale and purchase. At the same time, Mr. Cookson thought there might also be a subsidiary register of encumbrances and leases. He was asked whether he would include leases for lives as well as for years? Of course he would. Then what did he say to a common estate for life? Was that to be registered? That question seemed to puzzle him at first, and then he said he regarded that as a lease for life. But it subsequently appeared that that was not his view, and he recommended the register of a fictitious ownership to be created in cases where there was not really a fee-simple in possession—that the fictitious owner should be registered, and that other interests should be secured by cautions and caveats, and notices of that kind. That scheme was adopted by the Commission, of which he would remark, that the right hon. and learned Member for the University of Cambridge was a distinguished member. The present Bill did not in all respects adhere to the recommendations of that Commission, but, in his opinion, proposed a great advance upon the plan sanctioned by it. The Commission, having considered and rejected the proposal for the establishment of a register of assurances—that was, of deeds or instruments as distinguished from the result of those instruments, constituting the title—recommended in substance the adoption of Mr. Cookson's plan, according to which, where there was not an estate equivalent to a

fee-simple, persons were to be appointed either by a court, under settlement, or in some other way, who would appear upon the register as the formal owners, having the actual right to transfer, but having in many, perhaps in most cases, no real or beneficial interest whatever in the land. To that plan there were many objections. The principle one was that it would not attain that which ought to be the real object of legislation of this kind. It would not give to those who were truly and really the owners of landed property a simple and effectual means of ascertaining and securing upon the register their titles, so that in all their dealings with purchasers they might be able to refer to that register as superseding the parchment title, as rendering unnecessary the making out of abstracts in the old way, and as containing the authentic record of the title as it actually existed. In the Bill of which he was proposing the second reading that defect had been remedied; its object was to represent the true title, and to make all the real estates and interests in land, and no fictions, the subjects of the record—of the registry, not of assurances, but of the titles which they gave. But, according to the plan recommended by the Commissioners, if any considerable lapse of time took place between one settlement and another, there would be a series of ownerships off the register, not ascertained or authenticated at all, and, in fact, no security or information about any one of them could be given by the register. He remembered a case which came on in the House of Lords, in which a gentleman bought an estate, the title deeds were handed to him, and he was in possession of it for a considerable length of time; but it afterwards appeared that another person had got a mortgage upon it, and that would be the case if the register did not disclose the real state of the title. But that was not all. The enormous dangers to landed property, if that plan were introduced without the most cogent and effectual safeguards, made it necessary for the Commissioners to recommend that there should be a vast system of checks, caveats, and cautions, by which any person having a beneficial interest might, without disclosing that interest or giving any security, but merely by entering his name, prevent any dealings by the legal owners without notice to him. The result was, that when they had got an estate, they with one hand put on the register an apparent title, and with the

other hand closed up the register with an infinite number of inhibitions, caveats, and cautions, which must be got rid of before any dealings with it could take place. In order to avoid that difficulty, to record every one's interest was, he ventured to say, the only practicable system. Indeed, the Commissioners themselves felt the difficulty which their proposal involved, because they said that beneficial interests in land not amounting to the fee might be usefully registered, but that such a registry ought not to be mixed up with and form part of the principal register of titles. They said there should be what they called a "subsidiary" registry of other interests in land. When the Commissioners were asked whether a registry of assurances was desirable, they justly pointed out the defects and inconveniences of the system. But a registry of title presenting all the parts of that title, had, as far as he could see, nothing in common with a registry of assurances, which alone was considered objectionable. Though gratefully availing themselves, therefore, of the labours of the Commissioners, the supporters of the present measure did not think it inconsistent not to adopt their proposals in their entirety. They proposed to make the scheme still more perfect, and to attempt to remove some of the difficulties which stood in their way. It was intended that purchasers might safely trust whatever appeared on the register under the Bill. When an indefeasible title was to be obtained, a very strict inquiry was to be made; and an opportunity would be given, in the various stages of that inquiry, for all parties interested in the estate to come forward. Due notice would be given to them. The statement of title was to be drawn up as shortly and concisely as possible. The effect of registration would then be to give, in favour of any subsequent purchaser for valuable consideration, an indefeasible title, subject only to the reservations and conditions which might be mentioned on the register. Nothing could be more simple and sure than a transfer under the system. A certificate was to be given of the title on the register. That certificate could be brought into the market, and it would be conclusive evidence to every one that the party to whom it had been granted was entitled to the estate and interest in the property therein described, subject only to such dealings as might have taken place after the date to which that certificate referred.

It would be in the power of the owner of property to send the certificate up to town and have an entry made on it of any dealings subsequent to its date. Deaths, births, marriage settlements, and other such dealings with the estate would be entered. The Bill provided for a short and simple form of transfer. In ordinary cases its effect would be to do away with the entire of the complicated machinery then necessary, while, in cases which were not altogether simple, it would do away with much of that machinery. He believed, that if the measure were adopted, it would be attended with all the advantages that had been previously proposed, and with some peculiarly its own, amongst which was this, that it stated the title according to its real truth, and entirely avoided fictions. It had been supposed that there were provisions in the Bill which introduced that kind of registry of assurances to which objection had been made. That argument was, however, founded on a misconception. He trusted that the House would see that the opportunity so long desired then presented itself of simplifying the title to real estates, and of relieving landed proprietors from that great and constant source of expense to which its transfer was subject. In the evidence taken by the Encumbered Estates Commissioners, a unanimous opinion was expressed that the operation of the Encumbered Estates Act in Ireland had been attended by a vast augmentation in the value of property, and that it was desirable to extend many of the same facilities to this country. If the House should think fit to pass this Bill, it would be a great satisfaction to those who had introduced it. There had been many labourers in that field of reform, so that no party could exclusively lay claim to the laurels of passing the Bill. Many eminent and learned men, both in and out of Parliament, had contributed to add to a due knowledge of the subject. Several ingenious plans had been propounded before the Royal Commission of 1854, and the Commissioners themselves had given most valuable assistance to the improvement of the law. His hon. and learned Friend opposite (Sir H. Cairns) had largely contributed to the same end. None of these authorities had, however, claimed to have arrived at the best solution of the difficulty, and he could not but think, that if they could disengage their minds from their natural bias in favour

*The Solicitor General*

of their own plans, they would perceive that the present measure was preferable to any that had been yet proposed. At all events, the Bill, having been proposed by the Lord Chancellor in the other House, had undergone full inquiry before a Select Committee, composed of landowners, who understood what was wanted as well as any lawyers, and some of the most eminent legal Members of the House of Peers. A majority of that Committee were of opinion that the plan now proposed promised better than that recommended by the Commissioners. It was not alone the landed interest that would be benefited by the passing of this measure, because whatever simplified the commerce in land, and gave additional safety and security to the possessors of landed property, must tend to the stability of all property, and every interest in the country. He would only say, in conclusion, that it would be a great satisfaction to the Government if they were enabled to settle this important question during the present Session.

*Moved*, "That the Bill be now read the second time."

SIR HUGH CAIRNS said, he was so anxious to see the first step taken for the amendment of the law of real property, and he entertained so lively a recollection of the candid assistance which he received from the noble and learned Lord now on the Woolsack when he, as Solicitor General, introduced a measure on the subject, that he should be willing to place in abeyance his own judgment in regard to the details of the present measure. In making, therefore, a few observations, he trusted his hon. and learned Friend would accept them in the spirit in which they were offered, because, although he differed in regard to one or two of the principles on which the Bill was framed, he should be sorry to give any opposition to the second reading, or to offer any delay or obstruction to the progress of the Bill. He would then submit to the House and the Government the two principal objections he had to urge to the measure. Upon one point he had already been anticipated by the hon. and learned Solicitor General, who felt he had to deal with the difficulty that the Bill was in one respect in direct antagonism to the Royal Commission, of which the right hon. Gentleman in the chair was one of the most prominent members. That Commission, which reported in 1854, considered the question of a registry of assurances, which was sometimes called a registry of

deeds. They pointed out that great and insurmountable objections were felt to any system for the registration of deeds. His hon. and learned Friend was so conscious that public opinion was opposed to such a plan, that he had endeavoured to show that the Bill did not contain a system of registration of deeds. He would, however, defy any one, possessing even a hundred-fold the ingenuity of his hon. and learned Friend, to satisfy any man of plain understanding that there was no registration of deeds in the Bill. He agreed with the principle of the Bill up to the first registration of indefeasible titles. The model of the Irish Act had been followed up to that point, and no better plan could be devised. But what was to happen afterwards? Everything affecting the land—wills, mortgages, settlements, sales, and deposits—was to be put on the register; but what was to be done with all the instruments by which the property was thus affected? They were all to be sent to the registrar, either put into a printed form by the parties, or, if not, by order of the registrar at their expense, and the registrar was to keep them. Thus they got publicity; everybody, as far as the registration went, was obliged to make the dealings with the land public. That was his first objection to the plan, and it was a serious objection. The second point was even more serious. What was the registrar to do with the deeds when he got them? The hon. and learned Gentleman had spoken with some complacency of the certificate of the title. That certificate was to be a synopsis of the title, but how was the synopsis to be prepared? The registrar himself was to prepare the *précis*, or summary of the title, and put it on the register. The question then naturally arose whether what the registrar was empowered and directed to do was to be conclusive as to the effect of the deed on the title or not? He did not know to which alternative he looked with most alarm. If it was conclusive, it must regulate to all time the rights of parties who had not been before him, and had had no opportunity of being heard. If it was not conclusive, which he understood was the alternative they were to regard as practically the effect of the measure, they had gained nothing whatever. They had gained simply a certificate of title, which would still impose on every one who accepted it the duty of consulting the original deeds to get at the first title. And that

was not all. The Bill declared that all deeds should be registered. He looked with some curiosity and anxiety to know what would be the consequence of that injunction not being obeyed. The House would be surprised to learn, that, as he read the Bill, there was no provision whatever as to what the consequences were to be, one way or other, of the non-registration of the deeds.

THE SOLICITOR GENERAL said, that in the case of a purchaser such a deed would be as if it had not been executed, but it would be binding as between the parties if the lands were not sold.

SIR HUGH CAIRNS said, that if so, it ought to be made to appear by the Bill that an unregistered deed was to be operative against those who had notice of it, and inoperative against those who had no notice of it. In every system of registration of deeds all these matters were to be provided for; and till they were it was impossible to understand the bearing or effect of any system. He would say no more on that point than that all the provisions of the Bill were in direct antagonism to the Report of the Commission. It would require very much more argument and consideration than the subject had yet received to convince the House that the Report of a Commission on which they had once acted was entirely misconceived, and that in place of that which it recommended they were to have, not only a registration, but a most imperfect registration of deeds. His objections were not made to oppose the second reading of the Bill; but he hoped the Government would consent to large amendments on the next stage. It was a trite observation that a bad system well administered might be preferable to a good system badly administered. And his next objection was, that whether the proposed system proved bad or good depended entirely on the officers by whom it was administered. What did the Bill say on that point? It proposed to appoint a registrar, who was to be a barrister of a certain number of years' standing. He would have brought before him questions of the greatest difficulty, involving the nicest points of equity that could ever be presented to a Court to decide. Yet, on looking at the clauses, he found that the registrar himself was to be the sole judge, decider, and arbiter as to whether he was to adjudicate on anything or not. He might say he would decide all the questions before him, or he might resolve

to decide nothing, and refer all to the Court of Chancery. There was nothing in the Bill defining what matters he should decide. Whoever the holder of the office might be, it was probable he would take good care not to decide anything for himself. He might, certainly, be some sanguine young man who would "rush in" where others would scarce venture "to tread." But the House ought to ask this question,—If the registrar was competent to decide those intricate questions at all, why should it not be made his absolute duty to decide them? If he was not competent to decide any of them, why was he allowed to decide one. On the other hand, as he was to have the option of referring any case to another Court, they might assume he might not be competent to decide them himself. Then why should he be trusted to decide any case at all? That was a point on which the House would require to be satisfied, because it went to the working of the Bill. Nothing could bring greater discredit on an amendment of the law than that they should rashly and inconsiderately appoint an officer of that kind kiud, who would not be a judge, with all the responsibility, experience, learning, and weight of authority a judge ought to have. He wished to go one step further, and to ask the House to consider this point also. Suppose the registrar said, as he ventured to think he would say in a majority of cases, "I will not decide this difficult question myself. I will send it to the Court of Chancery, and leave the Court of Chancery to decide." Was that a species of business which could be transacted by the Court of Chancery? The Equity Judges had their hands perfectly full of business. They certainly had no leisure time to sit down and peruse abstracts of title; and their business as Judges was very different in its character and details from the business of one who, without any assistance, sat down to investigate a title and to pronounce upon it. He therefore ventured to think there would be a difficulty in want of time, and a difficulty in throwing upon the Equity Judges business which was foreign to their habits and training. But then he observed a clause under which an indefinite number of chief clerks might be appointed, and he suspected that subordinate officers would be appointed to work out the business created by the Bill. If anything worse could be de-

vised than giving the registrar the absolute right to decide important questions, it was accompanying it with a power for the registrar to hand over those cases to the Court of Chancery, there to be disposed of by the chief clerks or other subordinate officers. The only chance of presenting a measure which would work well, and induce owners of land to bring in their titles to be examined, was to appoint some person who would command respect and confidence, and he did not believe that the object could be attained by the appointment of any one of less weight, experience, and authority than a judge of the land. Ireland was taken as an exemplar, and in the case of the Landed Estates Court the House had most wisely come to the conclusion to appoint persons with the rank and responsibility of judges. He thought it would be very false economy to appoint a person registrar at a salary of £2,500 a year who would not command the power and authority which attached to the holders of judicial office. The multiplication of judges was said to be an evil, but a far greater evil was the multiplication of a species of officer, of whom there were too many already, sometimes called registrars and sometimes called commissioners, with powers which very closely resembled the powers of judges, without their weight and responsibility. He would not say a word upon the details of the Bill, but he trusted the Government would consider the points to which he had referred more fully than they had yet done. It was evident that there were matters in the Bill which could not be satisfactorily discussed in Committee of the Whole House, and he trusted the Government would consent, therefore, to refer the Bill to a Select Committee. He should be glad to see that course taken, not from any hostility to the Bill, or from any wish to delay it, but from an honest and anxious desire, if time would permit, to pass it into law in the present Session, after it had received the Amendments and alterations which it would receive in Select Committee. He was not deterred from advocating that course by the statement that the Bill had already been before a Select Committee of the other House, because he believed attention had there been principally bestowed upon abstract principles, and not upon the details of the measure. But whether that were so or not, the House of Commons had its own duty to perform, and he thought they would be careful to

perform it; more especially when they found that a portion of the Bill was in opposition to the Report of the Commissioners, and to what only a few years ago that House thought fit to approve.

MR. VINCENT SCULLY said, he was perfectly prepared to consider the Bill either in a Select Committee, or in Committee of the Whole House, and he retained the opinion which he expressed some years ago, that the greatest of all misfortunes would be to pass a bad measure, because a bad measure, by its certain failure, would do more harm than good. They also had the authority of Lord Westbury, that an imperfect measure would be more mischievous than useful, and that by a combination of skill and courage they should deal with an intolerable evil undeterred by any superstitious terror of the alterations which might be required. In the words of Pope—

“Thus Bethel spoke, who always speaks his thought,

“And always thinks the very thing he ought.”

He had been a member of the Committee, and also the Commission referred to, and he could assure the House that the subject had been fully considered in all its bearings. As a landlord and a Chancery lawyer, he had had occasion to consider the subject before he was on the Commission, and therefore it was no new subject to him. Although he signed the Report, agreeing as he did with most of the recommendations, he differed from the Commissioners on four matters, in reference to three of which he ventured to sign a postscript to the Report, and those three matters had been under discussion this evening. In that postscript he stated that in his opinion there should be a land tribunal of high judicial authority, and not a mere registry office. The hon. and learned Gentleman who had just sat down (Sir Hugh Cairns), in his Bill of 1859, did provide a land tribunal, but he also proposed a registry office, and in that he differed from him. The next point on which he differed from the Commissioners was in reference to land debentures, such as the right hon. and learned Member for Dublin University had since proposed, and which he trusted he should yet see established. The third matter on which he differed from the Commissioners was really important. It was with regard to caveats and subordinate registries. The Commissioners wished to impart to the land the utmost amount of transferability that was

consistent with registered interests, and they also wished to give protection to unregistered interests. It was exceedingly difficult to reconcile these objects with each other. Mr. Cookson, who was examined before the Commission, and who was afterwards a member of the Commission, proposed a system of caveats which was adopted by the Commission. He (Mr. V. Scully) did not approve of that part of the scheme. He thought, however, that official trustees might be appointed with advantage. Thus it might easily be provided, that the court should have power to enter, along with the registered owner, the name of one of its officers, as a precaution against undue transfer; or the court might have power to enter a special caveat, to be limited to particular facts, on their being proved. The registering of several persons as official trustees would be an almost perfect protection in the majority of cases. He thought it possible to devise a Bill which would give immediate and safe transferability, without at all contravening the Report of August, 1853, or adopting any system for the registration of assurances. He wished to see a state of law by which the owner in fee should be able to transfer his title without more delay than was now experienced in transferring stock, and with no more proportionate expense. He hoped that whatever alterations in the details might be found necessary, the principle of this Bill would be adopted by the House, and when adopted its benefits would be extended to Ireland as well as to England.

SIR FITZROY KELLY said, he was far from intending to oppose the Second Reading of the Bill, which related to matters of deep interest to all who were concerned in land. The subject was also one which had long been an object of attention to lawyers and others who took an interest in the law of landed property, and he rejoiced to see—if, indeed, they might be permitted to say they could see—a hope that through the introduction of this Bill, at least a step might be taken towards attaining the object in view. But there were so many objections to the Bill, that until it had undergone the revision of a Select Committee, or at least until it had been considered and thoroughly investigated in all its parts by a Committee of the Whole House, it would be impossible he could assent even to the substance of the measure. In order to appreciate the provisions of this Bill, or, indeed, accurately

to understand them, it was necessary to consider what was the great object they had in view in a measure of this kind; and that object, shortly and simply stated, he took to be this:—To enable any one possessed of land in fee simple or by any other freehold tenure, when once he had established his title to that land, to obtain a certificate from some competent authority which should give to him an indefeasible title to that land, and which should record that title, so that it might protect and secure the conveyance of that land in all time to come. As far as the provisions of the Bill were at all calculated to effect that object he entirely approved them; but, at the same time, he found in it much which raised in his mind considerable doubts as to the efficiency of the measure. In order to secure an indefeasible title to land, that title must, in the first instance, be submitted to some tribunal of undoubted competence; some authority whose certificate would give confidence not only to the owners but to all who might have occasion to deal with the land. But, instead of the title being referred to such an authority, it was to be referred to a registrar, an officer to be created under the Bill, and with regard to whom it would be impossible to say whether his certificate was to be considered final or of no effect whatever. But if in the first instance the title were to be submitted to a competent tribunal—whether that tribunal should be established under the Bill, or whether it was to be the Court of Chancery—and no Bill ought to pass that House which would not provide such a tribunal—then, upon the tribunal being satisfied that the title was such as the Court of Chancery would compel an unwilling purchaser to adopt, that title might safely be pronounced indefeasible, and a certificate might be granted which would attach to the land, and constitute, as long as the land remained, a simple and indefeasible security. All the owner would have to do in any dealings with the land would be to produce that certificate, identify it with the land, and then the land might be transferred as simply as stock. Looking to the machinery of the Bill, it appeared to him radically (but he hoped not incurably) defective, inasmuch as it totally rejected the system of caveats. Without the introduction of a system of caveats—without providing that any person who had an interest in the land, or a charge upon it, should have power to enter a caveat, and

*Mr. Vincent Scully*

when the title to the land should have been established, should be bound to enter a caveat, if a charge existed, to protect that charge—the Bill would not work. Under such a system the land could not be conveyed away without the concurrence of those who had entered caveats; but if once that concurrence was obtained, the transfer would be complete. If the Bill, as far as it related to title to land in fee simple, could be so amended in Committee as to carry into effect the objects which he had explained, it would, if it went no further, confer a great benefit on the country. It was in the hope that the Bill would be so amended that he consented to the second reading. But when he came to the second part of the Bill he confessed to a feeling of great disappointment. It was perfectly impossible not to see that the provisions for the registration of conveyances clogged and encumbered what would be otherwise salutary and beneficial regulations. Every one who had a charge or encumbrance on the land was bound to register it. But if all the deeds that affected the title were to be registered, of what avail was the Bill in conferring a title. For this difficulty arose—either that the registration was perfectly useless, and that every one who had dealings with the land must satisfy himself that all the deeds taken together constituted a sufficient title, or he must rely upon the certificate of the registrar, and then advance his money. But the Bill did not provide, or pretend to provide, that the certificate of that officer should be conclusive. [The SOLICITOR GENERAL: Yes it does, distinctly.] Then it was intended to confer upon that officer a power so extraordinary that the House of Commons could never consent to accept the Bill. Was it to be pretended that a number of deeds, constituting a title which might perplex even the most able lawyer—which, when before a court of law, the judges themselves might differ about—was it to be supposed that questions of such a nature should be left to the absolute decision of a registrar appointed at a salary of £2,000 or £2,500 a year? He trusted that when they went into Committee, his hon. and learned Friend would so amend the Bill as to present the question simply and distinctly how the owners of an estate in fee might establish a title, and obtain a certificate that would stamp indefeasibility upon the property. If the Bill went no further, its effect upon the lauded property

of the country would be to add considerably to its pecuniary value. Of all the schemes and plans bearing on the question which had been submitted to either House of Parliament during the last twenty or thirty years, and had undergone the consideration of Committees or Commissions, he must say that he had never seen any so complicated and yet so unsatisfactory and inefficient in all its material features as the Bill his hon. and learned Friend had laid upon the table. But, if it was possible to introduce clauses making the measure subsidiary to the great object of establishing and conferring an indefeasible title to land, to the Bill in that shape he would give his support.

MR. MALINS said, he had always been a strenuous advocate for facilitating the transfer of land, and any practical measure introduced with that object would command his support. But he by no means agreed in opinion with his noble and learned Friend the Lord Chancellor, who believed that land could be made as easily transferable as stock, ships, or shares in public companies. If the Bill were not to become a dead letter, its operation must be compulsory; for it seemed to him irrational that patches here and there should be registered, while the great bulk of the land remained in its present condition. The Bill provided for the appointment of a single registrar, and an indefinite number of assistant registrars or clerks. But what were all the actions or Chancery suits in England compared to the number of titles which would have to be registered? Let any one take a walk from Oxford Street to Whitechapel, and see how many titles he would pass on the way. The great bulk of the landed property was either settled or else encumbered. In neither case could there well be a register of plain fee-simple titles. It was said that a man ought never to prophesy upon a subject with which he was not well acquainted, but four years ago he ventured to prophesy, with regard to the Irish Land Estates Court, that if its powers to grant declarations of title were not compulsory, they would be practically useless. He had received a letter from a gentleman, stating that since November, 1858, but nineteen declarations of title were made by that Court, and one refused. Though the Bill would entail considerable expense in its working, he would not oppose its further progress, but he felt the same objection to it that he had done to

the Bill proposed in 1859 by his hon. and learned Friend the Member for Belfast. Society was divided into two classes—those who had good titles, and those who had not. Any man with a good title would scarcely incur the trouble and expense of submitting it to a registrar, with the chance of having a slur cast upon it in the course of the investigation. Any one, on the other hand, conscious of not having a good title, would hardly submit his deeds to inspection. Under a voluntary system, therefore, what titles remained to be registered? The Bill was based upon a theory which, he believed, could not be carried into practical effect, and he doubted whether it was worth while to incur the expense necessarily involved in so unpromising an experiment. There were, undoubtedly, evils connected with the transfer of land which ought to be remedied, but those evils could not be satisfactorily dealt with otherwise than by a general measure embracing all the land of the country. It was true that in some of the colonies a simple system was in force; but it must be remembered that the colonies began with new titles, while the land in this country was complicated with many and various charges and trusts. At the same time, although he could not think that this Bill would meet the difficulties which did exist, if the majority of the House should think it was worth while to make the experiment, he should offer no opposition. He could not see how, under this Bill, the particular parcels of land that were dealt with could be identified; and unless registration were compulsory, the system could not work. Land could not be dealt with in the same way as stock or shares, so long as there was equitable as well as legal ownership. The elements of real and personal property were essentially different; and in his opinion the alienation of land must always remain in England a matter of difficulty, unless the circumstances of the country greatly altered. There was a great disposition, especially in the higher branches of the profession, to simplify the law; and to a great extent the transfer of the land had been simplified. Evils attending the transfer of land no doubt existed; but they had in fact been greatly exaggerated. He (Mr. Malins) did not believe in the representations which were made about the repeated investigations of title. Such as the evils were, however, he should be glad to see them remedied; but he believed

they would be just as great after the Bill had passed as before. He did not think the Bill was worthy of any support; but if his hon. and learned Friend (the Solicitor General), to whose opinion in the matter he would defer as readily as to that of any man, had really satisfied himself that the Bill would be a practical working measure, he would rather see the expense which the measure would occasion incurred than that the experiment should not be tried; and when its failure was demonstrated, it would be withdrawn. He would go further, and say that there was even some hope that the Bill might be the beginning of something which might result in a better measure. Still he agreed with the hon. and learned Member for Belfast, that the subject was not one that could be satisfactorily dealt with, by a Committee of the Whole House. Looking at the period of the Session, it would perhaps be impossible to get Members upon a Select Committee who could devote their attention to the subject at this time; but he thought that even at the expense of postponing any legislation for another year, it would be desirable to refer the subject to a Select Committee. However, he repeated that he had no intention of opposing the Bill if the House should think fit to pass it at once.

THE ATTORNEY GENERAL said, that the views of his hon. and learned Friend who had just sat down were, to say the least, rather singular. At the same time, there was no Member of the House whose opinion was better entitled to attention than that of his hon. and learned Friend on such a subject. He (the Attorney General) congratulated himself that in differing from his hon. and learned Friend he was in agreement with preceding speakers. Little or no reference had been made, before the last speech, to the evils which it was proposed by the Bill to remedy. His hon. and learned Friend had spoken lightly of those evils; but in that view the community at large did not agree. Although the details of the measure necessarily involved a considerable degree of technicality, the people of this country, likely to be affected by it as owners or lessees of land, had long been of opinion that the expense, the delay, the uncertainty attending the dealings with land, amounted to a great practical evil, which required removal. Then, was the plan propounded likely to effect a remedy for the evil, either complete, or as nearly complete

as the nature of things permitted? He did not say that the measure was perfect, but he believed it was as well devised as persons of competent skill and judgment had been able to frame it under the circumstances. The hon. and learned Member for Wallingford, differing from the hon. Members who had preceded him, had expressed an opinion adverse to any measure of the kind which was optional and not compulsory. Not denying the existence of these evils, he thought, that not being made compulsory, the measure would be little resorted to, and that the expense of the machinery which it would set in motion would be thrown away. If that should prove to be the case, why, no very great amount of expense would be cast upon the country, because the staff, to commence with, would be neither numerous nor costly. If his view should turn out to be correct, and the measure should not prove acceptable to landowners, and the officers should be unemployed, people would soon say, "The scheme has failed, and the sooner we put an end to the expense the better." One branch of the hon. and learned Member's prophecy was fatal to the other. He thought the court would not be used, and he thought it would be a very great expense to the country. But if it were not used, it could not be a very great expense. But he (the Attorney General) dissented from the opinion, that, because not compulsory, the court would not be resorted to. There had long been growing up a preference for registered titles. The Encumbered Estates Act for Ireland, the principle of which had lately been extended to unencumbered estates in that country, although voluntary in its operation, had been very largely used. Among those who went into the market to purchase land, it would be found by experience that a preference for registered titles gradually arose; and as lands with such titles fetched a higher price, or admitted, at least, of easier transfer, even those who were at first adverse to registration came at length to avail themselves of it. The Bill introduced by the hon. and learned Member for Belfast in 1859 was voluntary, like the present measure. He had made no estimate of the cost of working this measure; but it would only require, at the outset at least, one registrar and one or two clerks to be appointed, and would be far more economical than the scheme of 1859. The measure had been subjected to much criti-

cism, and it was only fair that its advantages should be properly made known. All who had spoken on the subject, with the exception of the hon. and learned Member for Wallingford (Mr. Malins), agreed that it was desirable to have a Parliamentary or an assured title, which should be unimpeachable from a certain day. The cardinal difference between this Bill, and that of his hon. and learned Friend the Member for Belfast (Sir Hugh Cairns) in 1859, was, that the former proposed that the register should show the true title, while the latter only provided for the registration of a mere formal and dry title. At the same time, exception was taken to the measure, that it would be a registration of assurances, and that that would not be submitted to by the landowners of England. But many of them had already submitted to it, the Bill having originated in the other House of Parliament, and having been considered and approved, not only by the Law Lords, but by other Peers, who, from their wealth and position, were eminently entitled to speak for the landed interest. Objection was also made to that portion of the Bill which required that all instruments executed at the time of register should be produced, and copies lodged with the registrar. In his (the Attorney General's) view, the leaving of authentic evidence with the registrar of the execution of deeds was essential. It was not sufficient to register the mere description of the deeds, but it would be most important that the title should be put beyond dispute by the deposit of verified copies of the deeds themselves. It might, in some cases, become the duty of the registrar to make reference to the deed itself, instead of to a mere description. Moreover, by such a deposit of copies they guarded against the inconveniences resulting from a loss of the originals. It frequently happened, that when persons were collaterally interested in property, and litigation was in progress, it was most difficult for certain parties to the litigation to obtain a copy of some fundamental deed. That inconvenience would undoubtedly be obviated by the lodging of an official copy with the registrar. An objection had also been made to the officer by whom the investigation of the title was to be made before it was put upon the register. On that point a considerable difference existed between the present Bill and that of 1859. The latter proposed to constitute a court, presided over by two Com-

missioners, together with assistants ; but the present Bill contained the simpler and far less costly arrangement of appointing a single registrar. The House would find that the title was, in the first instance, to be examined by the registrar ; and if any question of doubt or debate arose, the matter might be referred to any judge of the Court of Chancery whom the Lord Chancellor might appoint. Except, therefore, that the officer was to be called a registrar, and that he was not to have so large a salary as a judge, he saw no practical difference between him and a judge, nor any reason to doubt that, subject to the appeal from his decision, a competent person might be very well obtained to fill this office. The objections made by the hon. and learned Member for Suffolk did not go to the entire rejection of the measure ; but his hon. and learned Friend was somewhat severe in his objections, and hardly consistent. His hon. and learned Friend acknowledged that it would be desirable to obtain a Parliamentary title, but contended that this Bill contained no provision for the title obtained under this Bill being an indefeasible or assured title. A reference to the Bill itself would, he thought, dispose of that objection. But then, his hon. and learned Friend, changing his ground, complained that an instrument of such binding and conclusive efficacy should be allowed to proceed from the hand of the registrar. The one objection seemed to him a little inconsistent with the other. He could not but join in the hope that the Bill, having already received the able and careful consideration of a Select Committee of the other House, might be discussed, and he would even say critically examined, by hon. Members in Committee of the whole House ; but that its passing during the present Session might not be imperilled by referring the measure to another Select Committee.

MR. ROLT said, he did not rise to oppose the second reading of the Bill, but he was anxious to add his voice to that of his hon. and learned Friend in favour of referring it to a Select Committee. It was impossible to offer an objection to the second reading of a Bill brought in by the Government, the principle of which had been recommended by a Royal Commission appointed on the suggestion of a Committee of the House of Commons.

An hon. MEMBER here moved that the House be counted ; but notice being taken that 40 hon. Members were present—

*The Attorney General*

MR. ROLT said, that the thinness of the attendance was a proof that the measure was not receiving the attention that its importance deserved. In consenting to the second reading, he desired to affirm no more than the desirableness of establishing a registry of titles. He was, however, anxious that the Government should refer the Bill to a Select Committee, because the form, manner, and details of the Bill could not be properly discussed in Committee of the Whole House, and because, even if they could, the discussion, to be effectual, would occupy a much longer time than before a Select Committee. A sufficient reason for referring the Bill to a Select Committee was, that its provisions widely differed from the recommendations of the Royal Commission. His hon. and learned Friend the Solicitor General could not but feel, that in defending the measure he had been arguing against the Report of the Royal Commission, which had the advantage of the assistance of the Speaker and two or three members of the present Government or individuals connected with it. Except in regard to the Lord Chancellor, he had not yet heard from any of the Commissioners that they had altered the opinion they expressed in their Report. The Commissioners had, in substance, pronounced a registry of assurances to be impracticable ; and one of the main differences between the Bill and the Report of the Commissioners was, that the measure was, in effect, a registry of assurances. The Solicitor General had argued that it was not, but the Attorney General had justified it because it was.

THE ATTORNEY GENERAL denied that he admitted it to be a registry of assurances.

MR. ROLT said, however that might be, the Bill was, nevertheless, both a registry of titles and a registry of assurances. That it was the latter was evident from the 79th clause, though nobody seriously insisted on establishing a registry of assurances, which was condemned by the Committee which sat in 1853, as well as by the Report of the Commission. He earnestly trusted that the Bill would be sent to a Select Committee. The more it approximated to the Report of the Commissioners, the greater probability there would be of its being acted on and becoming a practical and useful measure.

SIR FRANCIS GOLDSMID said, there were two points in the Bill that would require very serious consideration.

The one was with reference to the way in which an indefeasible title might be obtained. Certain notices and advertisements were to be given to the occupier of the land, but none to the owner of the adjoining land. Unless that were provided for, when an estate was sold a slice might be taken off the adjoining estate without the owner thereof knowing anything about it. The other point was that nowhere in the Bill was it stated what was to be the effect of a non-registration of deeds. These were two points that would require to be fully considered in Committee.

MR. DUNLOP said, that in Scotland, where a system of registration had existed for 200 years, and where great value was attached to the additional security it gave, much surprise was felt at the difficulty which was experienced in introducing that system into England. He believed that the advantages of the present Bill would be so great that in a short time all the prejudice against it would be removed.

Bill read 2<sup>d</sup>, and committed for Monday, 16th June.

**DECLARATION OF TITLE BILL.**  
[BILL NO. 102.] **SECOND READING.**

Order for Second Reading read.

MR. ROLT, in moving the second reading of this Bill, stated, that its object was to enable every landowner having a good title to obtain a judicial declaration that his title was good and indefeasible. The declaration of indefeasibility of title was by no means necessarily connected with a registry of title, and registration of title might be very useful without any declaration that it was indefeasible. When a person had obtained judicial declaration of title under the Bill now before the House, he might enter it upon the register under the Government Bill which had just been read a second time, or he might abstain from so registering it, at his discretion. If he wished to sell his land without registration, he had only to show that from the time of his declaration of title till the proposed sale nothing had been done affecting the title to the property. It was only after the lapse of a long time that he would need another judicial declaration of title. Every person who claimed to be an owner in fee-simple might apply for a judicial declaration, and this Bill would effect that object through the instrumentality of the Court of Chancery. It was not proposed

therefore to create any new court, and it would, in the first instance at all events, entail no expense upon the country. It was introduced as an experiment; and if that experiment should be found to work successfully, a separate court might afterwards be formed, in case such a step was found expedient, for the purpose of extending its advantages. The mode in which the object of the Bill would be attained was as follows:—The person seeking to obtain a judicial declaration of title would make an application by petition to the Court of Chancery, in which he would state the title under which he held the property. If the Court, assuming his story to be true, came to the conclusion that a good title was shown, it would make an order for an investigation of the title. If upon his own showing there was no title, there would be no order. If upon investigation no title was proved, his petition would be dismissed. But if a title were established, the Court would make an order that a declaration should be made upon a future day, at least six months being given for the admission of objections. If upon the day fixed by that order no objector should appear, the Court would give orders for the issue of advertisements, and for the serving of notice of the order upon every person who in the opinion of the Court ought to be served. If objectors came in and sustained their objections, the order for a declaration previously made would be set aside; but if the objections failed, the order would be made absolute, and the applicant would be declared absolutely entitled. There would be liberty to appeal from the Vice-Chancellor to the Court of Appeal and the House of Lords. When an absolute declaration was made, the applicant might obtain one certificate or several certificates of title, as he preferred. The declaration of title would be conclusive in favour of any purchaser for value from the person whose title had thus been declared. The Bill would entail no expense upon the country, and this House and the country were greatly indebted to the noble and learned Lord (Lord Cranworth), who had prepared it with great consideration, and carried it through the other House. He understood that the Government did not intend to object to the second reading; but they proposed to embody the Bill with that which had just been discussed by the House. To this he should greatly object; he thought the Bill should be allowed to stand by itself;

and he doubted not that it would be found a safe and valuable addition to legislation on a subject in reference to which every attempt at change must, at the best, be experimental.

THE SOLICITOR GENERAL intimated that he had no objection to the Motion, stating that there was no difference in substance between the present measure and one introduced by the Lord Chancellor. He took the opportunity of adverting to a suggestion made in reference to the Bill last under consideration, and which applied likewise to the present Bill —namely, that it should be referred to a Select Committee. He was quite sure that that suggestion was made *bond fide*, without any view to obstruct the passing of the Bill; but his present impression was that the adoption of the measure in the existing Session was not likely to be attained by the course recommended. It was often convenient to send measures of inferior moment to a Select Committee; but with regard to a Bill dealing with a question of such great and general importance as that under consideration, a question which had been before the public for a series of years, and upon which it was desirable to legislate during the Session, he thought a Committee of the whole House would be much the more fitting tribunal. His hon. and learned Friends, he had no doubt, would feel it their bounden duty to give that close attendance upon a Select Committee which would be requisite, though great sacrifices would thereby be entailed upon them; but, all things considered, he believed the gravity and importance of the subject would be better consulted by considering the Bill in Committee of the Whole House.

SIR HUGH CAIRNS said, the Bill was an admirable one; the only point in which it failed was in making the Court of Chancery the medium through which the declaration of title was to be obtained. The Judges of the court would certainly not be able to undertake the duty; and if it were left to conveyancers employed by them, the weight attaching to the authority of the court would no longer exist. Before the next stage of the Bill, he hoped the Government would reconsider their decision in reference to a Select Committee. Only one or two of the principal points had yet been pointed out, but at the proper time he would be able to show that in every clause of the Bill there was ample ground for referring it to a Select Com-

mittee, and to a Select Committee alone. His hon. and learned Friend had spoken of the gravity and importance of the subject requiring it to be discussed in a Select Committee; but not an hour previously, at the very crisis of the debate on this Bill, it was only by the exertions of the hon. Member for Lewes (Mr. Brand), whose energy was worthy of all praise, that the exact number of Members requisite to constitute a House could be brought together, and two-thirds of those had not heard any part of the previous discussion. He did not believe that the consideration of the Bill in Committee of the Whole House would save any time; on the contrary, he felt disposed to think that it would take up more days if that course were followed than it would if it were sent to a Select Committee.

MR. VINCENT SCULLY said, the Bill was not fairly open to many of the objections made. It was not intended for the register of assurances, nor yet for the registration of titles. It was simply a Bill constituting the Court of Chancery the Encumbered Estates Court for England; though seeing that three judges were required to do the work in Ireland, at least a dozen Lord Chancellors would be requisite in England. Some of the clauses were borrowed from the Bill which he himself brought in, and which was read a second time in 1853.

Bill read 2<sup>o</sup>, and committed for Monday 16th June.

#### SECURITY OF PURCHASERS BILL. [BILL NO. 103.] SECOND READING.

Order for Second Reading read.

MR. ROLT said, he rose to move the second reading of the Bill. Its object might be shortly stated. It enabled evidence of the clear and indefeasible title of any landowner to be perpetuated without a register. The Bill proposed that any owner who had obtained a declaration of title should be at liberty to endorse his purchase deed on the certificate of title, and so every succeeding purchaser would be entitled to endorse his title on the conveyance of his grantor, and thus by a series of endorsements every dealing with the land would be shown. The Bill also provided that no deed not memorialized should be of any validity against a purchaser for value. The only difficulty would be as to the means of getting access to the deeds for the purpose of endorsing the memorial

*Mr. Rolt*

upon them ; but that was a question of detail that might be considered in Committee. He trusted the Government would not oppose the second reading of the Bill.

THE SOLICITOR GENERAL said, he thought it quite obvious that the Bill could not have concurrent operation with the Government Bill ; but as there would be ample opportunity of considering its provisions at a future stage, he did not intend to oppose the second reading.

Bill read 2<sup>o</sup>, and committed for Monday, 16th June.

**REAL PROPERTY (TITLE OF PURCHASERS) BILL.**

[BILL NO. 104.] SECOND READING.

Order for Second Reading read.

THE SOLICITOR GENERAL, in moving the second reading of this Bill, said, its object was to extend the Statute of Limitations, and to shorten the time within which an absolute title would grow up to thirty years. It appeared to him, that if a tenant for life of an estate sold it for a valuable consideration, the purchaser would, under the Bill, shut out the reversioner after thirty years. As, however, the measure came down from the other House on the high authority of Lord St. Leonards, he had consented to move the second reading.

SIR HUGH CAIRNS said, he believed the effect of the measure would be to enable a tenant for life to cut off the rights of the tenant in remainder, and put the money he received for the injury in his pocket. If the House thought that a desirable object, it would pass the present Bill, but not otherwise.

Bill read 2<sup>o</sup>, and committed for Monday, 16th June.

**ASSURANCES REGISTRATION (IRELAND) BILL.**

[BILL NO. 91.] SECOND READING.

Order for Second Reading read.

THE SOLICITOR GENERAL said, the Bill applied exclusively to Ireland, where, since the reign of Queen Anne, a general registry had been kept of all deeds of assurance relating to landed property. Some inconveniences and abuses had grown up under the existing statute on the subject, and they had to consider the proper mode of providing a remedy for them. In some points the statute was almost a dead letter, and the mode of registry under it also depended a great deal on formalities. The

registry was established by a statute of Queen Anne in 1707, which authorized the registration by memorials of all deeds relating to land and wills, and declared unregistered deeds void as against purchasers for value, and mortgagees or creditors by judgment or recognizance. It did not, however, provide for the equitable effect of notice ; but the Courts of Equity held that notice of the existence of an unregistered deed was equivalent to registration. A number of formalities was also required, and a non-compliance with any one of these rendered the registration a nullity. That Act was practically not altered until the 9th of George IV., when a very useful Act was passed ; but that Act was repealed by a statute of William IV., passed in 1832. The Act of William IV. did not mend any of the defects of the Act of Queen Anne, but unintentionally led to the growth of a large crop of evils in the Irish register. It attempted to provide in great detail for the keeping of a variety of books, duplicates, and digests, but utterly failed ; so that the consolidated index of names was not commenced since 1849, and the consolidated index of lands was not commenced since 1839, more than twenty years ago. To reduce order out of such confusion an Act was passed in 1850, and alterations and improvements were proposed, which were partly adhered to in the Bill before the House. The Bill of 1850 was to come into operation after maps, founded on the Ordnance survey, had been prepared, the lands indexed, and three months' notice given by the Lords of the Treasury. In point of fact, it was never brought into operation, and remained a dead letter. A representation was made to the Government by the Law Society of Dublin, as to the inconvenience and errors in the registry office, and the delay which took place in making the necessary searches for documents, and that led to a Motion in 1860, on the part of the hon. Baronet the Member for the city of Dublin (Sir E. Grogan), and afterwards to the appointment of an eminent lawyer, Mr. Lane, a Queen's Counsel at the Irish bar, to make inquiry. A more limited inquiry was also made by Colonel Leach, of the Ordnance Survey ; and the reports of those eminent men concurred in affirming the existence of great evils, and in suggesting the remedies which it was desirable to adopt. Mr. Lane pointed out the mischievous consequences of the statute of Anne, making the validity of memorials

dependent on thirteen conditions, and quoted the opinion of the Chief Justice of the Queen's Bench in Ireland in favour of some legislation being absolutely necessary. Mr. Lane observed—

"The importance of the communication made by the Chief Justice could scarcely be overrated, when it was known that out of 34,000 memorials, not taken consecutively, 1,100 were open to objection, and in an earlier part of the registry no error or omission which could be made, had not been made to render the registration nugatory."

It was proposed by the Bill to declare valid, notwithstanding formal defects, all memorials hitherto registered except those which had been acted upon either judicially or privately as being invalid, to repeal all Acts which required these formal requisites, to substitute the execution of deeds with one attesting witness, and to leave all other matters to be governed by general orders of the Landed Estates Court, under the superintendence of which in future the registry would be kept. The next important point was connected with the principles upon which the registry was to be kept. It was the original intention of the statute of Queen Anne, and of all legislation upon the subject, that nothing should be registered except with reference to some particular lands which were bound or affected by the instrument. But the practice of registering deeds, which did not refer to particular lands, obtained, and it became necessary to keep a names-index without any reference to lands, and a lands-index which might or might not correspond accurately with the names-index. The consequence was that both indexes had to be searched, in some cases as far back as 100 years, and in twenty or thirty names, to see whether any memorial had been registered which affected the title. There was abundance of evidence to show that searches occupied a great deal of time and were very costly. This was partly owing to the omission to specify the particular lands in question in the register. The Act of George IV. required that that should be done, but the Act of 1832, by an ambiguity of wording, did away with the provision. Another great inconvenience was that at present there were no means of concentrating the search by referring to any one head under which would be found the lands of which the particulars were required. The denominations were exceedingly numerous, and, as some were in English and some in old Irish, the confusion was bewildering. The Commiss-

sion of 1854 reported that in their opinion the register of deeds, the Ordnance Survey, and the Encumbered Estates Court afforded the means of establishing an improved system of registration. The Ordnance Survey was a work of great value and unexceptional accuracy; and there was a general impression among those who had investigated the question that it ought to be made the basis of the register. Persons bringing memorials to be registered should be required to identify on the Ordnance map the particular locality to which the deeds referred. The next question was what division of lands should be adopted. After careful consideration, it had been decided that town lands, being the lowest unit of a known and fixed denomination on those maps, should be the basis of registration. The town lands were of unequal extent, varying from 12 to 7,000 acres, and averaging about 330 acres, the larger townlands being in the waste and mountain districts, and the smaller ones in the neighbourhood of towns. There were 63,000 of them, and the boundaries were most correctly laid down on the Ordnance maps. The only objection was that the names of towns on the map sometimes differed from the names which were used by the proprietors; but as that would not prevent them from being identified on the map, it did not matter. Baronies and parishes, on the other hand, were too large and unwieldy to serve the purpose. To recapitulate the main provisions of the Bill, it was proposed to abolish all the forms hitherto prescribed by Act of Parliament in the office, to simplify the form of memorial, and to place the regulation of the office under the Landed Estates Court, which, being a court occupied in the superintendence of the conveyancing of landed titles, most naturally would attract to itself the superintendence of a registry so intimately connected with its own operations. It was further proposed to validate existing memorials, however defective, unless they had been acted on as invalid; not to allow charges to be registered in the names-index only without a relative register in the lands-index; and to require that particular charges should be specified with respect to each of the deeds registered and with reference to the townland upon the Ordnance map, so that they might be registered in the name of every townland, and all subsequent dealings with respect to lands would appear col-

lected in the registry. It was also proposed to take those provisions of the Bill of 1850 which contemplated objects most useful in connection with the Encumbered Estates Court, namely, that the register should be good although there might be notice of an unregistered deed; and that all instruments affecting titles, such as bankruptcy decrees and orders of courts, should be memorialized on the register. Lastly, it was proposed that the register should be placed under the Encumbered Estates Court, and that all other forms of enrolment should be rendered unnecessary. He hoped the hon. Gentlemen connected with Ireland would give the Government every assistance, so as to ensure the passing of the Bill this Session; and he would deprecate the proposal that it should be referred to a Select Committee. The Bill had been carefully prepared by the officers of the Government in Ireland; and with a view to its being passed this Session he should deprecate a proposal, which he believed would be made, that it should be referred to a Select Committee. As he had said, it embodied some of the provisions that were approved by the House in 1850; and where it did not do so, it rather rested upon broad principles of which the House was a competent judge, than upon any narrow points of detail which would require jealous investigation. He thought the Bill would be found to be very useful; and legislation upon the subject was extremely necessary.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. HASSARD said, it was true that they had a registry in Ireland for 150 years, and they were anxious to make it as perfect as possible. They had not to find fault with it on principle, but in respect to matters of detail, the forms having become antiquated and incapable of being worked. He quite concurred in the necessity of some measure of the kind, but he hoped that the House would consent to refer the Bill to a Select Committee. The speech of the hon. and learned Member who had just addressed them was the best argument in favour of that course; for he was sure that no hon. Member who was not fully acquainted with the law relating to land in Ireland could possibly have followed the hon. and learned Gentleman in his observations, and the Solicitors' Society of Ireland had, after careful consideration, come to the conclusion that it was most dangerous that such

a measure should pass without being subjected to the most minute examination. They were, moreover, wholly without reliable information on the subject. It was true they had the Reports of two Select Committees, but the evidence on which those Reports had been framed they had had no opportunity of examining or sifting. The provisions as to negative search and those requiring the specification in every registry of the town lands to which it referred, and giving to the Landed Estates Court power to prescribe the forms to be used, would require the most careful consideration. As the Bill stood it would, in regard to the effect of the certificates and other matters, occasion rather than prevent litigation. The index, which would be in fact the register, ought to be prescribed distinctly by the Act, and it was idle to ask the House to enter upon such a question at the length and in the detail required. He objected to confounding together the declaration of title and the registrations of the land, or leaving the two things in the hands of the same officer.

SIR EDWARD GROGAN said, he would admit that some legislation on the subject was indispensably necessary. The body of solicitors in Ireland, however, strongly objected to certain provisions of the Bill, but especially with regard to the omission as to negative search. He had no wish to throw difficulties in the way of the second reading; but he suggested that a Committee of the Whole House was the proper authority to enact rules and regulations upon the matters embraced in the Bill.

MR. MORE O'FERRALL said, there was a disposition on all hands to give a fair consideration to the Bill; but its complicated details could not be discussed by that House.

MR. GEORGE said, he objected to any summary disposal of a Bill which proposed at one fell swoop to do away with Acts of Parliament from Queen Anne down to the present time, and to alter a system which on the whole had given great satisfaction in Ireland. At the same time, a large arrear of business had evidently accumulated, and it was necessary to expedite in some way the business of the office. He did not see why the Landed Estates Court should be selected for the registration of all estates; and the better course, he thought, would be to send the Bill to a Select Committee, in order to ascertain the best mode of dealing with the whole question.

MR. VINCENT SCULLY said, he wished to ask whether, if the Bill were read a second time, the Government would consent to refer it to a Select Committee? He would not now oppose the second reading, but would move, on a subsequent stage of the measure, unless the Government yielded to the wish of the Irish Members, that the Bill be referred to a Select Committee.

MR. LONGFIELD said, he did not think that the Bill was so much a matter of detail that it could not be dealt with in Committee of the Whole House. If it were referred to a Select Committee, there would be no legislation on the subject that Session. Hon. Members should recollect how many Select Committees were already sitting. He did not think there would be enough of Irish Members available for a Select Committee on the Bill. Seeing, however, the temper of the House, he was of opinion that the hon. and learned Gentleman had only one of two courses to adopt—either to drop the Bill, or to drop it more decorously by referring it to a Select Committee.

MR. HENNESSY said, he hoped the Bill would be dropped altogether. It was the most important Bill which the Irish Government had introduced during the Session, and it was more difficult than all their other Bills put together. The right hon. Gentleman the Chief Secretary had not said a word upon the subject—perhaps for a very good reason—and there were none of the Irish law officers in the House to explain the law. One of the most accomplished and able members of the English bar had given an explanation, but not six hon. Members in the House understood it. Would it not be better to discuss the subject in the next year, when, perhaps, there might be some Irish law officers on the Treasury Bench? With the object of eliciting the opinion of the Government, he begged to move that the Bill be read a second time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Question proposed, "That the word 'now' stand part of the Question."

MR. BERNAL OSBORNE said, he rose to second the Motion, not with the wish that the second reading should not

*Mr. George*

pass, but in order that the Bill might be referred to a Select Committee. He was not prepared for the Bill coming on that evening, for he had been informed that all the Irish Bills would be postponed until after Whitsuntide. The Bill was so important that he would really prefer to see it lost than hurried through the House. Her Majesty's Government had not the good fortune of having any Irish law officer in the House; but, nevertheless, with a disinterestedness which he thought almost peculiar to lawyers, the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Whiteside) had given them very valuable assistance. He had great confidence in the opinion of that right hon. and learned Gentleman upon those Bills, which he had made his peculiar study, and in which no party question was involved. He regretted that the right hon. and learned Gentleman was not in his place to give them the benefit of his opinion, which was well entitled to the consideration of the House. The hon. and learned Member for Mallow (Mr. Longfield) thought the question ought not to wait; but it could afford to wait better than many other Irish questions. The subject was, in his opinion, peculiarly fitted for a Select Committee. Generally speaking, changes of the law in Ireland were for the benefit of the lawyers; let some consideration now be given to the landed proprietors. If the Gentlemen on the Treasury bench would consent to refer the Bill to a Select Committee, it would be all the better. An awful vote was coming on to-morrow night. Let them take a bit of advice; let them not be obstinate; even upon sanitary principles let them not stand on referring the Bill to a Committee of the Whole House. Let them say, "We will send it to a Select Committee, and not outrage the feelings of the country gentlemen of Ireland."

THE SOLICITOR GENERAL said, it was considered by the Government that the measure would effect a great improvement in Ireland in regard to the subject-matter of it, and that therefore it ought to be passed this Session. But as the hon. Members for Ireland, who were, of course, the best judges of their own interest, having considered the evil on the one hand, and the effect of delay on the other, were satisfied that it was more for the benefit of Ireland that the Register Office should go on in its present state for another year, the Government would not oppose that

wish ; and if they desired that the Bill should be referred to a Select Committee, the Government would offer no objection.

MR. HENNESSY said, he would withdraw his Motion.

Amendment, by leave, withdrawn.

Main Question put, and agreed to.

Bill read 2<sup>o</sup>, and committed to a Select Committee.

#### HIGHWAYS BILL—[Bill No. 185.]

##### THIRD READING.

Order for Third Reading read.

SIR GEORGE GREY moved that the Bill be read a third time.

Motion made, and Question proposed, "That the Bill be now read the third time."

MR. BARROW said, he objected to the principle of the Bill. He should have been more satisfied with the Bill if it had been made permissive. He objected to it, because it violated the principle that representation and taxation ought to go together, and put the taxation of the country too much under the control of the magistrates. One of the clauses provided that a magistrate whose act as a member of the board was appealed against, should not form one of the tribunal appealed to, but that would be very little protection to the ratepayers. He would move as an Amendment that the Bill be read a third time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

MR. FREELAND feared that it was too late to do more than enter his emphatic and deliberate protest against the passing of this wretched Highways Bill. By delegating to an irresponsible body the option of imposing a new system involving local taxation on their respective counties without being bound to consult the ratepayers, he thought that the Government had struck a blow at a principle that every Liberal ought to hold sacred, the principle that taxation and representation should go together. The Committee had been chosen exclusively from among those who approved of the principle of the measure, though it was difficult to say what that principle was ; yet when this happy and united family got into a committee-room upstairs they divided, as he found from a Return which he held in his hand, no less than ten times on the clauses.

The Bill was based very much on the Welsh highways system. The Home Secretary had stated, that the Welsh highways cost, on an average, only £6 per mile; but he found, from a letter which he had himself received from the clerk of the Llansawel district, that in the mileage of those highways in some instances the mileage of bridle roads and footpaths was included. On the face of a Return which he himself had moved for, it appeared that in the Vaynor district, out of 64½ miles, 3½ miles consisted of highways neither used nor repaired. In the Pontypridd district, out of 181½ miles, 70 miles consisted of mountain tracks occasionally repaired. Looking at these facts, he was inclined to consider £6 per mile a high average, and he thought that the statistics of the Home Secretary could not be relied on. He objected to the establishment of a system tending to centralization, and to which the ratepayers were opposed. Highway boards had been established in Wales, and were now about to be established in England. A central Board would soon be asked for to rule unruly boards and to secure uniformity of highway administration. It was worthy of remark, that the only proposition involving a liberal concession to the ratepayers had come from the other side of the House—the proposition for giving to a majority of the vestries the right of interposing a veto between the provisional and final order of the magistrates. That proposition had been rejected by the Liberal Home Secretary of that which called itself a Liberal Government, though many of those who sat near him had long since ceased to put any faith in that designation. He rejoiced that the Bill had to go before another assembly, where the wishes of the ratepayers might, perhaps, receive more attention than they had received from the Home Secretary in that House.

MR. H. A. BRUCE said, that from ten years' experience of the working of the South Wales Act he was enabled to say that the system had worked well, and had given general satisfaction. Many of the mountain tracks referred to by the hon. Gentleman had been improved, and generally the roads were put in a better condition than they were under the old system.

SIR BALDWIN LEIGHTON observed, that the power proposed to be given to the magistrates was not unprecedented, for at present the justices had to decide upon the erection of lunatic asylums. If

the new powers were given to the magistrates, he did not believe that the ratepayers' interests would at all suffer ; for, if the rates were heavier—which he did not expect—there would be the compensation that the roads would be better looked after.

SIR GEORGE GREY said, he hoped the hon. Gentleman would defer to the very large majorities which had already affirmed the Bill, and that the House would not be put to the trouble of dividing. They had heard how beneficially a similar measure had operated in Wales, and he must repeat his belief, that so far from the system it proposed being expensive, it would, while improving the roads, also turn out to be an economical one.

MR. THOMPSON said, that although that Bill had been very handsomely abused in that House, the number of petitions that had been presented against it were few, and indicated a great falling-off as compared with the number presented in 1860 and 1861 against a similar measure. As to the supposed addition which the measure would entail to the taxation of the country, he had taken the opinion of some of the best surveyors in his neighbourhood, and one of them said that he would keep the roads in his district in repair for £100 a year less than they now cost. Other gentlemen having practical knowledge bore their testimony with equal emphasis in favour of the theory that the division of the country into districts each sufficient to occupy the whole time of an experienced person would really be an economical proceeding. He must also deny that the Bill would sever the connection between taxation and representation. It only applied to the highways of the country that principle of union and co-operation which had produced most of the great improvements of the age.

MR. NEWDEGATE said, in the constituency which he represented there was but one feeling in regard to the subject, and that was that the proposed intervention of justices in the highway boards was but a means of superseding the legitimately-expressed voice of the ratepayers. He regretted to hear hon. Gentlemen representing a large town argu in favour of that invasion of the corporate privileges of the country parishes. The House, it appeared, was about to pass a Bill which was calculated to create the greatest discontent throughout the whole of the counties in England. Let them not flatter themselves

that the measure would prove agreeable to the ratepayers. Parishes might certainly have neglected their duties in regard to the repair of highways, but there were ample means under the existing law of compelling the surveyors to discharge their duties. No reasons had been adduced to justify so extensive an alteration of the existing machinery for the maintenance of highways as was proposed by the present Bill. If the House were about to legislate for the convenience of the higher classes, they might depend upon it they would purchase good roads at a severe cost. It was unnecessary to cast that element of discontent upon the country. Hon. Members who cited their own experience, and their own cases of grievance, had neglected the means which the law afforded them of procuring the object they sought. If individuals felt aggrieved, individuals had a most ample and ready remedy. Hon. Members who complained of the badness of their roads should have indicted them. The passage of the Bill would be a proof of want of courage in the class which complained ; and he was confident that the fact would add much to the discontent which the Bill was calculated to produce. The people of England did not like to be governed by a class which had not the courage to assert their own just rights. He trusted that in another place, where the members were exclusively of the class for whose benefit the measure was especially intended, they would take due care that they did not purchase somewhat improved roads at the expense of the feelings of their poorer neighbours. By casting on them a sudden expenditure which was not allowed for in the agreements under which they held their farms and land, the Bill would inflict class taxation in its most aggravated form.

MR. HARDY thought it only fair that he should bear some of the brunt of adverse comment which had been directed against that measure. So far from the Bill deserving the strong language which had been used against it, he believed that it would not only improve, but cheapen the roads. Good roads were in themselves cheap ; for they tended to save horses and carts to a degree of which many persons seemed to have no conception. As to putting a new tax on the tenant, there was not the least ground for the assertion.

MR. NEWDEGATE : The hon. Member is misrepresenting me. I said by creating

a sudden change the agreements under which the tenants hold their land, and the calculations on which those agreements are founded, will be defeated.

MR. HARDY said, the sudden change could only amount to three tenpenny rates, and to that amount the tenants were liable at present. If a parish had neglected its roads the rates might at first be high; but he did not think that would be an evil. A fallacy seemed to have pervaded the arguments against the Bill. The roads were not made for the parishes through which they passed, but for the public at large. At present, there was no audit of the surveyors' accounts; but under the Bill there would be an audit, and an efficient one. He did not altogether approve of the Bill, for he would have made it compulsory. He believed the magistrates would only put it in operation where it was required; and both the ratepayers and the public would derive great benefit from it.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 152; Noes 31: Majority 121.

Main Question put, and agreed to.  
Bill read 3<sup>o</sup>, and passed.

**MERCHANT SHIPPING ACTS, &c. AMENDMENT BILL.—CONSIDERATION:**

Order for Consideration read.  
Clause (Rules for Harbours under local Acts to continue in force) brought up, and read 1<sup>o</sup>.

Motion made, and Question proposed, "That the said Clause be now read a second time."

SIR HUGH CAIRNS said, it was impossible to begin to discuss this Bill at midnight.

Motion made, and Question proposed, "That the Debate be now adjourned."

Motion, by leave, withdrawn.  
Main Question put, and agreed to.  
Clause read 2<sup>o</sup>, and added.

Another Clause added.  
Further Consideration, as amended, deferred till Thursday.

**ARTILLERY RANGES BILL.**

**COMMITTEE DEFERRED.**

Order for Committee read.

SIR GEORGE LEWIS said, he would move that the House go into Committee on the Bill.

MR. BRAMSTON requested that the Bill might be postponed for a fortnight, in order that the parties interested might examine the map or plan at the Admiralty. Committee deferred till Monday, 16th June.

**RIFLE VOLUNTEER GROUNDS ACT (1860) AMENDMENT BILL.**

[BILL NO. 134.] COMMITTEE.

Order for Committee read.

Bill considered in Committee.

Clauses agreed to.

SIR GEORGE LEWIS said, that the number of bullets fired into the Volunteer butts was so large that the practice prevailed among boys and others to disturb the soil, in order to get at the bullets. Much injury to the butts was caused by these trespassers; and as the criminal law did not reach the offence, he wished to propose an additional clause, imposing, on summary conviction, a penalty not exceeding £5 for the offence.

Clause agreed to.

House resumed.

Bill reported; to be considered Tomorrow.

House adjourned at half after Twelve o'clock.

**HOUSE OF LORDS,**

Tuesday, June 3, 1862.

MINUTES.]—PUBLIC BILLS.—1<sup>o</sup> Highways; Education of Pauper Children.

3<sup>o</sup> Peace Preservation (Ireland); Local Government Supplemental.

*Royal Assent.*—Customs and Inland Revenue; Bills of Exchange (Ireland) Act (1861) Amendment; Limerick Markets; North Devon Railway and Dock; Rathmines and Rathgar Improvement; Queenstown Improvement; Bristol and Exeter and Chard and Taunton Railways; East London Water; Berwick-upon-Tweed Harbour; South Molton Corporation; Barnsley Local Board of Health; Leeds New Gas; Bream Down Harbour, &c.; Bristol Water; Falmouth Water; Tendring Hundred Railway; Bollington (Prestbury) Improvement and Lighting; Trammere Improvement; Dublin and Meath Railway; Dundee and Perth and Aberdeen Railway Junction and Dundee and Newcastle Railway; Uxbridge and Rickmansworth Railway; Leadburn, Linton, and Dolphinton Railway; London and South-western Railway (Additional Powers); Dundee Water; Kent Water; Frosterley and Stanhope Railway; Carlisle and Silloth Bay Railway and Dock; Edgware, Highgate, and London Railway; North British Railway and Carlisle and

Silloth Bay Railway and Dock Companies; North British Railway and Port Carlisle Dock and Railway Companies; North British Railway (Monktonhall and Ormiston, and Dalkeith Branches); Dublin (Borough) Fire Brigade, &c.; Leeds Water; Edinburgh Roads and Streets; Halifax Corporation; Stockton and Darlington Railway (Towlaw and Crook); Deaf and Dumb Poor Asylum; Dollow and Kilmore Commons Inclosure.

**THE SLAVE TRADE—TREATY WITH  
THE UNITED STATES.  
OBSERVATIONS.**

LORD BROUGHAM said, he regretted the absence of the noble Lord the Secretary of State for Foreign Affairs, as he wished to put a question to him in reference to an opinion which, he said the other evening, had been given by the law officers of the Crown, to the effect that the Slave Trade Abolition Act did not make it a felony to fit out a foreign vessel in a British port for the slave trade. If that were really the state of the law, not a day ought to be lost in passing some measure to put a stop to that abominable traffic in our ports. Recently a vessel had been fitted out at Liverpool for the slave trade, and had been subsequently captured with 640 slaves on board. He wished to know whether the opinion of the law officers of the Crown, or of other legal authorities to which the noble Lord referred, was given before or after the case of the *Nightingale*?

EARL GRANVILLE suggested that it would be better for the noble and learned Lord to give notice of his Question for a future day, when the Government would supply him with all the information in their power on the subject.

**PUBLIC-HOUSES (SCOTLAND) ACTS  
AMENDMENT BILL.  
[BILL NO. 84.] COMMITTEE.**

Order of the Day for the House to be put into a Committee on the Public-houses (Scotland) Acts Amendment Bill read.

LORD KINNAIRD, in moving that the House go into Committee, said, that the measure was one of great importance, and was introduced mainly in consequence of the Royal Commission which was issued on this subject some time since. The Bill had been carefully considered in the other House, and contained many relaxations of

the old law, as well as provisions for the suppression of the practice of illicit sale of intoxicating liquors. The subject was one on which legislation was urgently needed, and he trusted, that notwithstanding some opposition had been manifested, the measure would be allowed to proceed.

*Moved*, That the House do now resolve itself into a Committee on the said Bill.

THE EARL OF AIRLIE said, he thought it inconvenient and unbusiness-like to discuss the principle of a Bill and then to go forthwith into a consideration of its clauses upon the same evening. The measure involved a principle of some novelty as regarded Scotland. It gave very arbitrary powers to magistrates to relax the rules of evidence, imposed on the police the duty of reporting against the keepers of public-houses, and afforded the keepers of those houses very scanty opportunity of rebutting the charges that might be made against them. Mr. Munroe, the town clerk of Glasgow, and Mr. Smart, the superintendent of police in that city, had furnished him with evidence tending to show that the very stringent provisions included in the Bill were not necessary. He did not desire to obstruct the measure; but he believed that if a little further time were given for its consideration before proceeding with the discussion of its clauses, it might be passed this Session in a much more perfect shape. He begged, therefore, to move that the House resolve itself into Committee on the Bill on Friday, the 13th of June.

*Amendment moved*, to leave out "now," and insert, "on the 13th instant."

THE DUKE OF BUCCLEUCH hoped the noble Earl would not divide the House against going into Committee that night. Their Lordships generally were, he believed, as ready to enter into the discussion of the provisions of the Bill now as they would be a fortnight hence. The measure was the same in principle as Home Drummond's Act, and it merely sought to amend the defects which had crept into the details of the existing law.

THE DUKE OF ARGYLL also expressed a hope that the Amendment would not be pressed. The Bill had been before Parliament and the country for a very long time, and it introduced no new principle. For his own part, he had had ample time to consider all the details of the measure.

THE EARL OF MINTO regretted that this Bill, which was to remedy the evils created by the restrictive measures which had been for years in operation in Scotland, did not carry out all the recommendations of the Royal Commission. He particularly referred to that recommendation of the Royal Commissioners to enable certain houses to remain open after eleven o'clock at night. What was called "the *bond fide travellers*" clause had been a fruitful cause of evil, and had led to many infractions of the law. The evidence before the Commissioners also proved that the number of unlicensed houses had increased after the passing of the Forbes-Mackenzie Act. There was a good deal that was new in the Bill, and that required careful consideration; and therefore he hoped his noble Friend would succeed in his Motion for the postponement of the Committee.

THE EARL OF AIRLIE said, he would not press his Amendment.

Amendment (by leave of the House) withdrawn: Then the original Motion was *agreed to*: House in Committee accordingly.

Clauses 1 to 13 *agreed to*.

Clause 14 (Police to report Persons licensed from whose Premises Persons in a State of Intoxication had been seen frequently to issue, or against whom there is other Cause of Complaint).

THE EARL OF CAMPERDOWN objected to its being left to the discretion of the police to determine whether a person was or was not in a state of intoxication, and moved the omission of the clause.

*Moved*, to omit Clause 14.

On Question, Whether the said Clause shall stand part of the Bill? their Lordships divided:—Contents 39; Not-Contents 17: Majority 22.

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| Dungannon, V.                     | Wodehouse, L.                            |
| Lifford, V.                       |                                          |

*Amendment negative.*

*Clause agreed to.*

*Clauses 15 to 21 agreed to.*

Clause 22 (Persons falsely representing themselves to be Travellers liable in a Penalty).

A question arising as to what constituted a *bond fide traveller*,

LORD OVERSTONE thought that all the difficulty arose from the attempt to make people moral by Act of Parliament. He conceived that it would be better to substitute reason and conscience for the stringent provisions of the Bill.

THE DUKE OF ARGYLL understood the noble Lord to argue that the Legislature should in no manner take measures for limiting the sale of spirits with the view of ameliorating the habits of the people. That was not, however, the principle hitherto acted on by the Parliament of this country, which had imposed restrictions on the sale of excisable liquors, partly for the protection of the revenue, and partly for the sake of the morals of the people.

VISCOUNT MELVILLE objected that this was a more restrictive principle than any that had yet been introduced in legislation upon this subject, and moved that the clause should be struck out.

LORD WODEHOUSE said, that the law in England proceeded on a sound principle. It endeavoured to take care that public-houses, where spirits, wine, and beer were sold, should not become disorderly houses, but it did not attempt to regulate the morals of the population.

THE DUKE OF BUCCLEUCH said, that the clause would be a protection to

the Scotch innkeepers, by whom it was favoured. The present law punished them if they served excisable liquors within the prohibited times to any but *bond fide* travellers ; and the clause under consideration made persons who wilfully misrepresented themselves to be *bond fide* travellers liable to penalty.

LORD STANLEY or ALDERLEY feared that the drunkenness which prevailed in Scotland was due in a great measure to the fact that the people were deprived of all opportunities of relaxation.

THE EARL OF DONOUGHMORE said, he was opposed to the clause, fearing that if it were passed innkeepers would become careless as to whether parties were *bond fide* travellers or not, and would serve anybody who said he was a traveller.

THE DUKE OF ARGYLL observed, that the clause was introduced in accordance with the recommendation of the Royal Commissioners.

On Question, Whether the said Clause shall stand part of the Bill ? their Lordships divided :—Contents 33 ; Not-Contents 24 : Majority 9.

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| Overstone, L.                      | Wodehouse, L.                            |

Amendment negative.

Clause agreed to.

Clauses 23 to 32 agreed to.

LORD KINNAIRD proposed to omit the four following clauses, which constituted a court of appeal, and to leave the appeal to the Quarter Sessions.

Clauses 33 to 36 struck out.

Remaining Clauses agreed to.

Report of Amendments to be received on Tuesday, the 17th instant ; and Bill to be printed as amended [No. 96].

#### PEACE PRESERVATION (IRELAND)

BILL—[BILL No. 106.]

THIRD READING—BILL PASSED.

Order for the Third Reading read.

Moved, That the Bill be now read 3<sup>a</sup>.

THE MARQUESS OF CLANRICARDE said, he did not rise to oppose this measure, which was probably more wanted now in Ireland than it had been at any former period. His purpose in rising was to ask, whether Her Majesty's Government were prepared to communicate to the House despatches from the Lord Lieutenant, or other papers, respecting the numerous assassinations that had been committed in Ireland during the last eight months, and the apparent inefficiency of the police to prevent such crimes ; also whether it was intended to alter or relax in any degree the military habits and discipline now enforced in the constabulary ; and also to ask, in how many instances the powers granted by the Peace Preservation (Ireland) Bill had been exercised during the last year by the Lord-Lieutenant ? The noble Marquess said this was not a Bill which should be considered in the light of a continuance Act, and therefore he thought this a fitting opportunity to ask the questions of which he had given notice, for he should be glad to know whether anything had been done to effectually stop for the present and future the crimes so recently common in that country. The Government ought to communicate from time to time to the House such information as they possessed respecting the state and character of crime in Ireland, the measures taken to check it, and to express their opinion whether more effectual police regulations were not imperatively called

for. Their Lordships laboured under a want of statistics of crime in Ireland, which if furnished to them for the past year might serve to guide their legislation. It was not, however, his fault that the House was not in possession of full information, for he had repeatedly asked for judicial statistics, which the Government promised, but did not produce. A Return which he had obtained showed that crime was certainly not on the decrease in that country. As regarded offences of an ordinary and general character, the Irish people would bear favourable comparison with the most civilized nations. The total number of cases of crime reported to the police in April, 1861, was 341; in March, 1862, the number had increased to 436; but in April they diminished to 327. But, unhappily, the crimes known as agrarian outrages were increasing gradually and steadily. The Return to which he referred proved them to have nearly doubled within the last year or two; and that, too, without including the assassination of Mr. Maguire and Mr. Fitzgerald. The police had been praised in some quarters for arresting the murderers; but it would have been strange if they had not done so, seeing that in those cases the murders had been committed on the high road, and in open day, in the most daring manner. It was much to be regretted also, that the justification or non-justification of these atrocious deeds had been discussed even in newspapers, from which such a thing was least to have been expected. As to "not parleying with assassins," as had been talked of elsewhere, why the acts of these men had been coolly argued as if their character admitted of two opinions. He alluded more particularly to the murder of M. Thiebault; concerning which the brother of the person arrested for the crime had actually written to the Irish newspapers, not to endeavour to prove an *alibi*, or that the accused was innocent, but rather to show, that if he had not committed the murder, he ought to have done it. In Ireland about one in five offenders—taking grave cases—was brought to justice; in England only about one in nine of those committing similar offences escaped. In the one case the police were well organized for the prevention and detection of crime; in the other, the police were not efficiently organized with a view to either. If they would have a soldiery in Ireland, they should not call them a police. The constabulary were ex-

cellent soldiers, but they were not constables, and they did not occupy themselves in the prevention or detection of crime. The expense of the Irish constabulary amounted to £779,000 a year; and if Government chose to pay that price for them, he must again admit they were a most admirable force, and he was very glad to have them in Ireland; but, with their barrack discipline and drill, they could not be expected to preserve the peace, and they were not allowed to act under the orders of the local magistracy, who had no constables at their disposal. In fact, the local magistracy were entirely debarred from control over the police. Since the Union, the great men of all parties had striven to connect the landed proprietors of Ireland with the Government of that country. That policy had now been departed from, and he hoped some member of the Government would favour their Lordships with an explanation on the subject. It was not reasonable to suppose that magistrates could do their duty if they were deprived of the services of the police. Many people believed that there was an organized system of Ribbonism extending through the whole of Ireland. He did not share in that opinion; but, if the fact were so, he wanted to know why the police had hitherto been unable to discover it? Too much was expected from the Roman Catholic clergy. No body of men had a greater horror of the outrages which had recently occurred in Ireland; but they were placed in a peculiar position, and it would not be right to call them to do more than they had done when they knew that the police would not protect them or any one else from popular vengeance. The whole question was one of great importance. It involved the character and credit of the Government, and he trusted their Lordships would have the pleasure of listening to a satisfactory statement from his noble Friend the President of the Council.

VISCOUNT LIFFORD said, he thought that the country owed a deep debt of gratitude to the Roman Catholic clergy, for the honest and sincere course pursued by them to put down Ribbonism, and to check the system of agrarian outrage. But he differed from his noble Friend, that Ribbonism did not emanate from one common centre; and he thought that where a magistrate did his duty fearlessly, the existing laws were sufficient to repress crime. He could bear his testimony to the great skill and activity of the police in putting down

this crime. Within the last twelve months upwards of thirty Ribbonmen had been arrested in his district; and he felt persuaded, that if the resident magistracy exerted themselves, they would receive the support of the Catholic clergy. He felt there was reason to complain of the manner in which the wishes and desires of the Irish gentry had been disregarded by the Irish Government. Such a course might have been proper fifty or sixty years ago, but certainly, at the present time, it was not calculated to strengthen the hands of the Executive.

EARL GRANVILLE said, that it was, of course, a subject of the deepest regret and anxiety to the Government that these frightful murders should have taken place in Ireland; but he could not agree with the noble Marquess in his censures of the Irish constabulary. All the information which the Government received went to show that the Irish constabulary were a very well-conducted body of men, and that they not only possessed what might be called good military qualities, but that they constituted a very efficient police. Ribbonism existed in parts of Ireland, but it had no existence in the south of Ireland, and the outrages which had been committed were more of an individual character than the authorized proceedings of an illegal society. He could assure the noble Marquess that he was quite mistaken in supposing there was any unwillingness on the part of the Lord Lieutenant of Ireland to communicate and consult with the landed gentry of Ireland. The noble Viceroy was influenced by a feeling quite the reverse. In reply to the first Question of his noble Friend, he had to state, that the Government were not prepared to give those papers, which were documents of a confidential character, and which it would in any case be impossible to produce at the present moment when certain parties were about to stand their trial for those crimes. With regard to the second Question, he had to inform his noble Friend and the House, that the Government had no intention of altering the constitution of the Irish police force. It should be remembered that that force was placed in a very different position from that of the rural constabulary in England. In this country the policeman was certain of the sympathy and assistance of the people of the district in his attempts to prevent or detect crime, but the Irish constabulary had to discharge their duties among a less friendly population, and it

was therefore found expedient that they should possess a more military organization. In answer to the last Question, he had no objection to give the information for which his noble Friend asked—namely, that the whole question of the Irish constabulary was under the consideration of the Government, but that there was at present no intention to alter the constitution of that body.

THE MARQUESS OF NORMANBY stated, in reference to the complaint which had been made of the want of statistics relative to offences in Ireland, that his experience enabled him to say that there used to be the most extensive amount of information afforded by reports from the constabulary and stipendiary magistrates.

THE EARL OF DONOUGHMORE said, he should be glad to know whether the Government had received any information with respect to the probable cause of the recent outbreak of crime in Ireland. He had himself been unable to find any sufficient explanation of that unfortunate state of things. The great mass of the population were not at present placed in any such unfavourable condition as could account for the evil, and the only source he could think of to which it could at all be ascribed was the continuance of the agitation in reference to the land question. He cordially agreed with his noble Friend behind him (Lord Lifford), that the Irish Catholic priesthood discouraged in every way the secret and illegal societies; but he regretted to find that they had not at the same time discountenanced the land agitation. Parliament had already gone as far as it could go for the protection of the rights of the cultivators of the soil in Ireland; and the tenant-right question, if it now meant anything in that country, could only mean that the tenants should continue to hold their land without the payment of any rent. He entirely approved of that portion of the present Bill which enabled the Lord Lieutenant to send down extra police to any disturbed district, and to impose upon the inhabitants the cost of their maintenance. He believed that the enforcement of that provision would have a considerable tendency to prevent the continued perpetration of crime; but he doubted the expediency of keeping in force for an indefinite period that other enactment, by which the Lord Lieutenant was enabled to prohibit the carrying of arms without a licence. That provision, like all other exceptional legis-

lation, would be all the more effective if it were reserved for extreme cases only.

THE MARQUIS OF CLANRICARDE said, it was the Dublin officials who baffled inquiry; but if he were allowed to name the man the necessary information would soon be forthcoming. He hoped the Government would insist upon having these Returns.

Motion agreed to; Bill read 3<sup>o</sup> accordingly, and passed.

The Duke of NEWCASTLE presented,

"A Bill to authorize the Completion, after His Royal Highness Albert Edward Prince of Wales shall attain the Age of Twenty-one Years, of Arrangements commenced during his Minority, under the Provisions of an Act passed in the Session of Parliament held in the Seventh and Eighth Years of the Reign of Her Majesty Queen Victoria, intituled 'An Act to enable the Council of His Royal Highness Albert Edward Prince of Wales to sell and exchange Lands and enfranchise Copyholds Parcel of the Possessions of the Duchy of Cornwall, to purchase other Lands, and for other Purposes.'

Bill read 1<sup>o</sup>, to be printed; and to be read 2<sup>o</sup> on *Tuesday* the 17th instant [No. 97].

House adjourned at half-past Eight o'clock,  
to Thursday next, half-past  
Ten o'clock.

H O U S E O F C O M M O N S ,  
*Tuesday June 3, 1862.*

MINUTES.]—NEW MEMBER SWEORN.—For Shrewsbury, Henry Robertson, esquire.  
PUBLIC BILLS.—1<sup>o</sup> West India Incumbered Estates Acts Amendment.  
2<sup>o</sup> Tramways.  
3<sup>o</sup> Sandhurst Vesting.

FOREIGN TELEGRAPHS.—QUESTION.

MR. J. C. EWART said, he would beg to ask the Secretary of State for India, Whether any proposition has been made to the India Council to aid the establishment of a line of Telegraph between Singapore and India; and if so, what is the general nature of that proposition?

COLONEL STUART said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether an agreement was entered into in 1858 between the Government of Turkey and the Government of this country (or of India), for the construction of a line of Telegraph from Scutari to Bagdad by the Turkish Government; whether it was not also agreed between the contracting parties that, on the

completion of the telegraphic communication between Scutari and Bagdad, a line of Telegraph should be laid down from Bagdad to Kurrachee by the Government of this Country or of India; whether it is not the fact that the line from Scutari to Bagdad was completed, surveyed, and reported on as fit for use by a British officer, in December 1860; and whether it is not also the fact that no steps have since been taken by the Government of this Country (or India) to continue the line of Telegraph from Bagdad to Kurrachee in accordance with the agreement of 1858?

SIR CHARLES WOOD in reply said, a proposal had been made to the India Council to aid the establishment of a line of Telegraph between Singapore and Rangoon, but in his opinion it must be considered as part of some further line, and not as an independent line, simply for Indian purposes. With regard to telegraphic communication from Scutari to Kurrachee, an arrangement was made in 1858 by which a line was to be carried from Scutari to Bagdad, and, upon its completion to Bagdad, thence to Kurrachee. A little more than a year ago it was thought that it might be advantageous to substitute for the submarine portion of the line a land line through Persia. Negotiations were accordingly set on foot with the Persian Government, and it was only within the last two or three weeks that he had heard that those negotiations were not likely to have any result. He was, therefore, not in a condition now to say what the Government would ultimately determine to do, but in some shape or other they would be bound to complete a line through the Turkish dominions to Kurrachee.

THE NATIONAL DEFENCES.—QUESTION.

MR. MONSELL said, he wished to ask the Secretary of State for War, When he intends to propose a Vote of Money for the purpose of carrying on the National Defences?

SIR GEORGE LEWIS said, he would state soon after the holidays what the intentions of the Government were on the subject.

MR. WILLIAM GRAHAM said, he also wished to ask the Secretary of State for War, Whether it is a fact that some ten thousand pounds was given by Government for land at Sea View, near Ryde, for the purpose of erecting a fort thereon; whether that design has now been abandoned and the land is again for sale?

SIR GEORGE LEWIS said, that some land near Ryde was bought for the purpose of erecting a fort upon it. The work would be shortly proceeded with, and there was no truth in the rumour that there was an intention to abandon the plan.

**POOR LAW (SCOTLAND).**

**QUESTION.**

MR. M'EVOY said, he wished to ask the Lord Advocate, When he will introduce a Bill assimilating the Law of Scotland to that of England, relating to the Removal of Poor Persons to Ireland?

SIR WILLIAM DUNBAR said, in the absence of his right hon. and learned Friend (the Lord Advocate), he had to state that he proposed to move for leave to introduce a Bill, immediately after the recess, to assimilate the Law of Scotland to that of England relating to the Removal of Poor Persons to Ireland.

**THE ARCHBISHOP OF RHODES.**

**QUESTION.**

SIR GEORGE BOWYER said, he would beg to ask the First Lord of the Treasury, Whether Her Majesty's Government have taken any steps, by representations in the proper quarter, to obtain redress for the alleged insults and outrages lately offered to a British Subject, the Archbishop of Rhodes, Bishop of Malta, in the Port of Messina? As the Archbishop was proceeding from Malta to Rome, the ship touched at Messina. As soon as it arrived, a number of boats surrounded it, full of men, who threw all kinds of dirt and rubbish into it. So hostile was the demonstration that the captain thought it necessary, for the safety of the ship, to steam out of the harbour at once.

VISCOUNT PALMERSTON: Sir, I believe the hon. and learned Baronet has been misinformed as to the nature of the transaction. No doubt the ship in which the Archbiishop had embarked was surrounded by boats, but the people in those boats threw words, and not mud, into the vessel. It was, undoubtedly, an offensive demonstration, and Her Majesty's Government have made a representation to the Italian Government, hoping that they would take steps to inquire into the matter, and that those persons who had so offended might receive such punishment as the law provided.

*Lord William Graham*

**BUSINESS OF THE HOUSE.**

VISCOUNT PALMERSTON: Sir, I rise, according to notice, to move that the House at its rising shall adjourn to Thursday next, and in moving that Motion I wish to avail myself of the opportunity to make one or two observations on the course of business which is about to come on. Up to yesterday afternoon Her Majesty's Government had reason to believe that the question upon which the House would be called on to deliberate, was a choice between different methods of expressing very nearly the same meaning and intention—namely, the meaning that all parties in the House are desirous that every practical economy should be enforced consistently with the due maintenance and proper efficiency of the several branches of the public service. But a Notice was given yesterday at the meeting of the House, which in our opinion entirely alters the issue. It is no longer a question of the relative value of substantives and adjectives. The question which the House will now be called upon to determine is, whether the Gentlemen who sit on these benches or the Gentlemen who sit on the opposite benches are best entitled to the confidence of the House and of the country. Sir, I say this, first, from the particular form of the Amendment of which notice has been given; next, from the quarter of the House whence it comes; and thirdly, from the character of the meeting in which we are entitled to assume it originated yesterday. Sir, we are quite prepared to enter upon that discussion. At the same time, we ought not to conceal from ourselves, and I am sure the House does not conceal from itself, the serious importance of that issue. We are of opinion, therefore, that it will be better for the House to go at once to the question fraught with serious and important consequences, instead of wasting time in discussing the comparative value of the Amendments which have been proposed. [\*] Amendments, no doubt, deserving of consideration on any other occasion, but, as it appears to me, entirely superseded by the move made by the other side of the House. Therefore, without presuming to prejudge in what manner the House may deal with the Resolution of the hon. Member for Halifax (Mr. Stansfeld), or whether in disposing of it room may be left for any Amendment at all, my object is to suggest

that those hon. Gentlemen who have interposed Amendments between that Resolution and the Amendment of which the Government has given notice, would perhaps be kind enough to waive their privilege of precedence, and allow the House at once to come to a discussion of the great political question which has been raised by the other side. Sir, I beg to move that the House at its rising adjourn till Thursday.

[\* The following Motions had been placed upon the Notice Paper :—

" 1. Mr. Stansfeld,—National Expenditure,—That, in the opinion of this House, the National Expenditure is capable of reduction without compromising the safety, the independence, or the legitimate influence of the country.

" 2. Lord Robert Montagu,—National Expenditure,—As an Amendment to Mr. Stansfeld's Motion :—

" That Her Majesty's Government alone are responsible to the House for the Supplies which Her Majesty asks the House to grant, and that this House alone is responsible for the sums which have been voted.

" 3. Mr. Horsman,—National Expenditure,—As an Amendment to Mr. Stansfeld's Motion :—

" That this House, while deeply impressed with the necessity of economy in every Department of the State, and especially mindful of that necessity in the present condition of the Country and its Finances, is of opinion, that the sums voted under the present and late Administrations, in the Naval and Military Service of the Country, have not been greater than are required for its security at Home, and the protection of its interests Abroad.

" 4. Mr. Griffith,—National Expenditure,—As an Amendment to Mr. Horsman's Amendment :—

" To leave out all the words after 'its Finances,' and to insert the words, 'will always be ready to make every pecuniary sacrifice that may be necessary to maintain the honour, the interests, and the independence of the Country.'

" 5. Viscount Palmerston,—National Expenditure,—Amendment as substitute for Mr. Stansfeld's Resolution :—

" That this House, deeply impressed with the necessity of economy in every Department of the State, is at the same time mindful of its obligation to provide for the security of the Country at Home and the protection of its interests Abroad :

" That this House observes with satisfaction the decrease which has already been effected in the National Expenditure, and trusts that such further diminution may be made therein as the future stage of things may warrant.

" 6. Mr. Walpole,—National Expenditure,—On Mr. Stansfeld's Resolution, in case it is negatived, and Viscount Palmerston's Amendment is put as a substantive Motion, to move to amend the second paragraph of such Amendment by leaving out all the words after the words 'trusts that,' and inserting the following words, 'the attention of the Government will be earnestly directed to the accomplishment of such further reduction, due regard being had to the defence of the Country, as may not only equalize the Revo-

lue and Expenditure, but may also afford the means of diminishing the burthen of those Taxes which are confessedly of a temporary and exceptional character.'

" 7. Sir Frederic Smith,—National Expenditure,—As an Amendment to the second paragraph of Viscount Palmerston's Amendment to Mr. Stansfeld's Motion :—

" To leave out the words after 'observes,' and to insert the words 'that, although some reductions have been made in the National Expenditure, reductions may be carried much further without detriment to the Public Service, and that the present condition of the Finances of the Country renders this proceeding urgently necessary.' ]

*Motion agreed to.*

House at rising to adjourn till *Thursday*.

LORD ROBERT MONTAGU: Sir, I should certainly be glad to meet the wishes of the noble Viscount, and to consult the convenience of the House as far as I can. It is quite true that I did not give notice of my Motion in a spirit of hostility to the Government, nor, indeed, had it reference to any party or section in this House. It sprang solely from a sincere and honest desire to promote economy in the financial arrangements of the country in the only way in which that seemed possible—by insuring a better attendance of Members in Committee of Supply. I am exceedingly sorry to hear from the noble Viscount that this question is about to be converted into the stalking-horse of ambition, and the prostitute of our claims to power. I think it is a great mistake that such an issue should be raised on a matter that is really of the most vital importance to the country. I was present at the meeting of yesterday to which reference has been made, and I can assure the noble Viscount that no Amendment was either originated or discussed at the meeting; nor was that view taken of the Amendment of the right hon. Member for Cambridge University, in which the noble Viscount now says it is regarded. On the contrary, it was plainly stated at that meeting that this was not to become a party question, and that Lord Derby had no desire to turn out or embarrass the Government. I can only say, that if this is to be treated as a party move, and if we are not to be allowed to consider in a free and unfettered state whether economy cannot be enforced by the House, I shall wash my hands of the whole business, and have nothing to say to any of the Amendments before the House. I have no ob-

jection to withdraw my Amendment on the understanding, that if the other hon. Members who stand before the noble Viscount decline to do the same, I shall be at liberty to bring it forward.

MR. HORSMAN: I must own that I heard the speech of the noble Viscount with some surprise, because the issue which he has placed before us was one for which I was certainly not prepared. I need not say, as the noble Lord has just said, that my Amendment was not framed in any spirit of hostility to the Government—in fact, that the noble Viscount felt that it was more flattering than he deserved is evident from the tenure of his own proposal. Certainly, until I heard the notice of my right hon. Friend yesterday, it was my intention to have persevered in my Amendment; I did not think that I ought to allow the noble Viscount's modesty to stand in the way of my carrying a Resolution which amounted to approval of the policy of the Government. But when I heard the notice which was given yesterday by the right hon. Gentleman (Mr. Walpole), I felt that the noble Viscount's claim to precedence was quite irresistible, and I have no hesitation in giving way. I hope I may be permitted to say one word on what has fallen so unexpectedly from the noble Viscount. I speak merely as one who shares the common interest which we all have in the order and regularity of the proceedings of this House, and have no interest whatever in the party question. But, looking at the Notices on the paper, I do not think that the noble Viscount is quite justified in the tone which he has imputed, or the colour which he has given to the Amendment of the right hon. Gentleman. When I read the Amendment of the noble Lord in the Votes I immediately said that Government had thrown away the advantage of their position, and had delivered themselves into the hands of the House. The hon. Member for Halifax (Mr. Stansfeld) raised a direct issue. He asks, what is to be our policy with regard to armaments? Are we to retrace our steps and go back to a system of gradual disarmament, or are we to continue a system of progressive and improved defence? That is the challenge of the hon. Member. But the noble Viscount does not seem to me to meet it, for at the close of his Amendment he adds an invitation to the House to express approval of the financial administration of the Government in

the past, and some confidence for the future. Now, that raises an entirely new issue. For my own part, not having approved the financial policy of the Government, but having of late carefully abstained from taking part in any discussion of it, I felt that the Amendment of the Government placed me in a difficult position. The Government having proposed that issue, I do not see how it was possible for the other side to meet it, except by an Amendment. My right hon. Friend the Member for Cambridge University (Mr. Walpole) adopts the views of the noble Viscount with regard to finance, economy, and retrenchment, but substitutes precise and explicit terms for the vague language of the Government Amendment, and indicates in what quarter a reduction should be effected. I have not heard any Gentleman on either side of the House expressing an opinion on this subject who has not said that, putting party feeling aside, ninety-nine out of every hundred Members in the House would prefer the Amendment of the right hon. Gentleman the Member for Cambridge University to that of the noble Viscount. Perhaps I may express myself more strongly than I should do, because I have been so surprised by the decision of the noble Viscount. Having received an intimation that an appeal would be made to me to give way to the Amendment of the noble Viscount, I came down ready to accede to the request, and without any intention of saying a word. But, when we are invited to lay aside the great question of armaments, and restrict ourselves to the issue whether one side of the House or the other is to govern the country—when we are asked to do this merely because one Amendment has been met by another which it clearly challenged, I say that the situation is falsely construed, and that the House is placed in a false position. I am not at all disposed to give hon. Gentlemen opposite credit for any very great degree of virtuous forbearance, but, on this occasion, I do not believe there was any intention to turn out the Government, and I cannot see how they could have avoided proposing an Amendment in answer to that of the noble Viscount.

MR. WALPOLE: I feel, Sir, that the noble Viscount has placed not only myself—that would be a matter of no importance—but he has placed the House in a position of great difficulty and embarrassment. I hope it is not necessary for me to state—

*Lord Robert Montagu*

and I think my conduct in this House during the present and the last Session would be sufficient to justify me in stating—that I had no intention to move any Vote of censure or want of confidence in the Government. If it had been intended to propose a Vote of want of confidence I should not have been the man chosen on this side of the House to bring it forward. I must tell the noble Viscount that it was the last thing in my mind to bring forward such a Motion. When the noble Viscount told the House that he considered the question now raised to be this—whether the Gentlemen on the one side of the House or the Gentlemen on the other side of the House are to be called upon to conduct the Government of this country, I feel that it is hardly possible for me—due regard being had to the duty of this House—to consider attentively the merits of such a question as this, being one of finance and expenditure. I repeat, Sir, it is almost impossible for me to know what the course is which, under the circumstances, I ought to take. On the one hand, if I persevere in my Amendment, I may be the means of unseating a Government which I do not intend to disturb. On the other hand, if I take an opposite course, I may preclude the House from expressing an opinion, which I feel the House ought to express, upon a most important question. Until this moment I was not in the least aware what course the Government intended to take in reference to my Amendment. Had I entertained an opinion on this question, it would have been this—that the Amendment of which I have given notice was in effect a complete support of the Government proposition against the Motion of the hon. Member for Halifax, only adding to that proposition such an intimation as I think this House ought to give. This Amendment is so framed that it should not be supposed to coerce or dictate to the Government, but rather to suggest, the proper course which it should pursue during the recess in reference to our expenditure and finances. The noble Viscount says he will not allow the House to consider the question, unless the House is also prepared to determine whether the Gentlemen sitting on this or those sitting on the other side shall conduct the affairs of the country. I say, Sir, that such an alteration in the course of our proceedings this evening is a serious one—nay, more, it is one of great gravity. I will not, then,

undertake the responsibility of stating, at this moment, the particular course I shall select in case the Amendment of the noble Viscount is moved. I hope, then, that the House will think I am asking nothing improper if I request time for consideration, and if I decline to express an opinion at this moment as to the course I shall feel it my duty to pursue. The Motion of the hon. Gentleman (Mr. Stansfeld) will probably go on. The Government may take what course they please upon that Motion, and they will have my support in voting against it. But when the noble Viscount moves his Amendment, I entreat him to allow the House a fair opportunity—not to do anything to thwart the Government, not to do anything to censure the Government, not to do anything to disturb the Government—but to allow the House a fair opportunity of determining for itself—and it is a question for this House alone to determine—whether it will come to any resolution as to the mode and direction in which reduction is to be made, if at least reduction is to be made, and the finances of the country are hereafter to be administered, so as to bring our expenditure within our revenue, instead of leaving us in a financial condition which may be a matter of the greatest possible embarrassment to the country.

MR. BRIGHT and MR. DARBY GRIFFITH rose, the House calling for MR. BRIGHT.

MR. SPEAKER: I wish to remind the House of the exact state of business. There is no Question before the House. The Motion was disposed of before the noble Lord (Lord Robert Montagu) rose; but, as the noble Lord had been appealed to, I could not interfere to prevent his making his personal explanation to the House, and the same remark applies to the right hon. Gentlemen the Members for Stroud and for the University of Cambridge.

MR. DARBY GRIFFITH: I beg to move, that the House do now adjourn.

MR. SPEAKER: The hon. Member is out of order in rising while I am addressing the House. I will leave it to the House to consider whether it is convenient that this preliminary discussion should proceed beyond those Members who have been personally appealed to. I again remind the House that there is no Question before it.

MR. DARBY GRIFFITH (who spoke amid the impatience of the House): As I stand next in the list of Amendments on the paper, I hope that the House will

allow me the same opportunity of explaining my Amendment which has been enjoyed by others. I confess that I have some reluctance to withdraw that Amendment, because it appears to me to be the best of all those that have been proposed. I will tell you the reason why—it distinctly raises the issue which has been adopted and raised by the Amendment of the noble Lord. The Motion of the hon. Member for Halifax refers to the future, and undertakes to recommend the House to say, that reduction can be made without reference to any facts with which we are acquainted. The right hon. Gentleman the Member for Stroud, on the other hand, undertakes to say, that everything which has been done in the past is perfectly unexceptionable. I am inclined neither to answer for the future nor to respond for the past. We have already completed the word of the Estimates, and must abide by what we have done. My Amendment, therefore, takes a middle course, and is, like that of the noble Lord, equivalent, or very nearly so, to the Previous Question. ["Agreed, agreed!"] The only question remaining is, as to the mode in which the Amendment of the noble Lord has been met. I entirely concur in the view which the noble Lord has taken of the Amendment of the right hon. Gentleman the Member for the University of Cambridge. That Amendment raises no substantial, but only a verbal question, and could only be designed to effect a party triumph. I do full justice to the perfect sincerity of my right hon. Friend, and I am satisfied that his amiable disposition regarded the matter in the light in which he has tonight presented it; but, at the same time, I am convinced that the only meaning which can be attributed to the latter part of the Amendment is to spell the word *l-e-e-k*—that the noble Lord should swallow any leek that might be offered to him from this side of the House. I think that the noble Lord is justified in regarding this as a mere trial of party strength; and since, as an independent Member, I am not prepared to support such a proceeding, I shall withdraw my Amendment.

SIR FREDERIC SMITH: Having been appealed to by the noble Lord to withdraw the Amendment which I have on the paper, I am most happy to accede to his request. At the same time, I beg to assure the House, that I was not aware that my right hon. Friend the Member for the University of Cambridge was about to move

*Mr. Darby Griffith*

an Amendment when I put mine upon the paper. Had I done so, I should not have interposed between him and the noble Lord. In framing my Amendment, I had no feeling of hostility towards Her Majesty's Government. I am no party to any hostile movement, and I now understand that my right hon. Friend is equally free from any concern in it. This is a question of the defence or non-defence of the country. Upon that question I felt bound to go with the noble Lord in his first paragraph, but not to the whole extent of the second, because I feel most strongly, from a recent inspection, which has lasted several days up to last night, and I should consider it my duty as an officer to assure the House, that very considerable retrenchments may be made. I shall take the earliest opportunity of mentioning to the House certain works which are going on, the expenditure on which would be unnecessary and ruinous, and would make the taxation more than the people could stand, and which, if constructed, would cause weakness, and not give strength to the country.

MR. BRIGHT: If we are engaged in an irregular discussion, it is owing to the course taken by the noble Lord at the head of the Government; and if the House is in any difficulty with regard to the Motions before it, it is on account of the declaration which he has made. He says, as I understand him, that before the Amendment of the right hon. Gentleman opposite (Mr. Walpole) there was not much difference of opinion—that the difference was a question of substantives and adjectives. Well, the substantives and adjectives of my hon. Friend the Member for Halifax (Mr. Stansfeld) are easily understood. They are not extreme; they are not offensive. I will undertake to say they meet the views of a large majority of Gentlemen on this side of the House. But the noble Lord was not willing to accept them, although he says there was little difference of opinion. We are all in favour of doing what we can to promote retrenchment. Why, then, could he not accept the Resolution of my hon. Friend? He objects to it for some reason which I am not able to discover, unless it be, as I am told, that it is not palatable for Gentlemen on that bench to agree to anything which is proposed by Gentlemen on this bench. That, no doubt, is an orthodox reason, and may be a very good one, but it is not satisfac-

tory down here. The right hon. Gentleman (Mr. Walpole) has proposed a Resolution, which I wish very much my hon. Friend the Member for Halifax had proposed, because I think it rather better than his, and very much better than the Amendment of the noble Lord. Now, there is a mode of getting out of the difficulty. The right hon. Gentleman the Member for the University of Cambridge—we all know we may take every statement of his with the most perfect confidence—says that he has no intention of promoting a party contest, and so much is he amazed at the conduct of the noble Lord, that he positively for a moment draws back, and asks the House to allow him between this time and the time when the noble Lord's Amendment may become the Resolution before the House to consider what course he shall take. Well, we are bound to admit that the right hon. Gentleman has no object, in proposing his Resolution, dangerous or subversive of the existing Administration. If that be so—if we are all in favour of economy, and so much in favour of it that we do not object to any definite statement with regard to it—I should like to know why we should have any party contest at all? If the noble Lord does not like a proposition from these benches, why should not he take one from that (the Opposition) bench? I have seen him do it once this Session, and on one occasion when I thought the right hon. Gentleman opposite was wrong and the Government was right. The Government accepted his Resolution, and a great question for a time was settled. If the House is disposed for a debate, let us have a debate. But I ask the House—especially those sixty or seventy gentlemen who, a year ago, requested the noble Lord, in very civil and humble terms, to condescend in a little degree to diminish the expenditure of the country—Whether they now intend to set up the noble Lord as dictator absolute upon this subject? because he has told us in our hearing tonight that this is not a question to be discussed on its merits—that this is not a question whether the expenditure is too high, but whether the noble Lord himself or a noble Lord—I presume, in another place—is to be Prime Minister, and conduct the affairs of the country. Sir, I repudiate altogether any such issue as that. If we are in favour of reduction of expenditure, we have several propositions before us, and it is easy to take that which most

clearly and definitely expresses the economical disposition of the House. I am quite sure, that if the noble Lord asks Gentlemen opposite to join him in rejecting the Resolution of my hon. Friend the Member for Halifax, he has no reason whatever to ask, and I hope he has no reason to expect, that Gentlemen who sit on those benches so treated—when he says there is no difference of opinion—should go with him into the lobby against what I call the definite but perfectly reasonable and judicious proposition of the right hon. Gentleman opposite.

MR. ELLICE (Coventry): I thought the hon. Member for Birmingham would have concluded with a Motion. ["Order, order!"]

MR. SPEAKER: It would certainly be convenient as well as for the regularity of our proceedings that some Motion should be before the House.

MR. BRIGHT: I understood the hon. Member for Devizes to propose a Motion for the adjournment of the House.

MR. ELLICE (Coventry): I certainly should not have interposed any words of mine upon this subject were it not for the remarks which have fallen from my hon. Friend the Member for Birmingham, who has not given notice of any Amendment, but who concluded his speech with a Motion which enables me—["No."] I certainly do not wish to be disorderly, but I understood that either he or the hon. Gentleman opposite had proposed a Motion. ["No, no."] Well, as a person who very seldom troubles the House, but has hitherto taken an independent part in its debates, I think a few words from me may set the House right with respect to the position in which we stand at present. As I understand, my noble Friend the Prime Minister gave no notice of his intention to make any Motion on this subject till certain Amendments had been placed on the Journals of the House by different hon. Members, one more especially by my hon. Friend the Member for Stroud (Mr. Horsman). I do not see what other course was open to my noble Friend if he did not intend the debate to go astray entirely, and to get into the hands of a dozen Members all with different views, save to state fairly and openly the manner in which Her Majesty's Ministers intend to meet this Motion. Although I do not like abstract propositions, I have not the least objection—in fact, I entirely concur with

the principle avowed in the notice of Motion given by the hon. Member for Halifax, but the blame of excessive expenditure is not chargeable on the present or any other Government; it is the fault of this House. For several years we have been pursuing a reckless course of expenditure—not only, as hon. Gentlemen below the gangway assert, with regard to the military and naval establishments, the outlay upon which may probably be necessary, but also upon the Civil Estimates. Once or twice I endeavoured to stop what I thought most useless expenditure.

**COLONEL FRENCH:** I rise to order. The right hon. Member is now discussing prematurely a Motion which stands upon the books of the House. There is no Question before the House; for my noble Friend at the head of the Government, though he intimated his intention to conclude his speech with a Motion, did not do so.

**MR. ELLICE (Coventry):** I am not going to debate—[*Cries of Order! and Chair!*]

**MR. SPEAKER:** All I can say is that the irregularity will become very great presently.

**MR. ELLICE (Coventry):** Well, Sir, I move that this House do adjourn. [“Oh, oh!”] I was about to say that for the great expenditure which has been made I do not blame the Government so much as I blame the House; and that I think my noble Friend has taken the manly and right course, and put himself right with the House in stating the exact terms to which he would be willing to accede in reference to a Motion for the promotion of economy in the national expenditure. Then comes the Amendment moved by my right hon. Friend the Member for the University of Cambridge (Mr. Walpole), and of course I am bound to believe him when he states that he had not the least intention of making this Motion in any hostile spirit towards the Government. But look at the words of the Motion. The Amendment goes to this extent, that the House thinks it necessary to impress on Her Majesty’s Government the necessity of economy. That is virtually saying that the Government are not willing to engage seriously in the work of economy without pressure. I do not mean to say that is the intention of my right hon. Friend, but it is the inference which may be legitimately drawn from the words of his Amendment. Could

my noble Friend have done otherwise than he has done? I cannot understand a Minister sitting on these benches, and accepting from the other side of the House a Resolution defining the terms and conditions on which he is to carry on the Government. I could understand my noble Friend if he were much given to accepting abstract Resolutions agreeing to the first Motion which was put upon the Journals; but I could not understand him concurring in that of the right hon. Member for Stroud, much less in that of my right hon. Friend opposite, although I quite admit his disclaimer of the imputation which I think it conveys. I cannot help saying that in the present state of affairs at home and abroad it is, I think, our duty to give strength to the Government, instead of weakening its hands by expressing doubts and limiting our confidence. However we may differ in this House with regard to particular administrative acts and to questions of relative economy, out of this House there is no man who does not think that the right man sits in the right place on the front Treasury bench. I believe if I were to ask the majority of people out of the House they would be of the same opinion. Then do not let this House agree by implication to anything that would weaken the hands of that Minister. What we want is not a Government from this or from that side of the House, but a Government which, in the opinion of the world, has the confidence of this House. If my noble Friend does not possess the confidence of the House, let that be distinctly stated, and let us have a Minister who does; but do not let us in the present difficult circumstances in which the world is placed, weaken the hands of the Government in whom the affairs of this country are placed.

Motion made, and Question proposed, “That this House do now adjourn.”

**MR. SPEAKER:** I regret to have to address the House once more on a point of order. It was competent to the noble Lord at the head of the Government, as leader of this House, to address hon. Gentlemen who had Amendments on the paper in reference to the proceedings of the evening. The noble Lord, moreover, made a Motion for the adjournment of the House. After that motion was disposed of, an irregular conversation took place, and the hon. Member who last rose to order was perfectly correct in his statement that on a Motion for the adjourn-

ment of the House it is irregular to discuss subjects that stand on the paper of the day. To enter into a general discussion on the subject-matter of the evening, was not in order. I trust, therefore, that the House will allow me to put the Motion, that the right hon. Gentleman who made it will immediately withdraw it, and that the hon. Member for Halifax will be allowed to proceed with his Motion.

MR. ELLICE (Coventry), expressed his readiness to withdraw his Motion.

Motion, by leave, withdrawn.

MR. ROEBUCK : We shall adjourn to-night to meet to-morrow morning, which no hon. Member intends to do. ["Order, order!"]

MR. SPEAKER : The Motion for the adjournment has been made and disposed of.

MR. ROEBUCK : It has never been put. ["Order!"]

MR. HORSMAN : Are we to understand that the noble Lord will move his Amendment after the Motion has been proposed and seconded?

VISCOUNT PALMERSTON : In reply to my right hon. Friend I have to say that I cannot enter into any engagement of that kind.

MR. HORSMAN : Then I cannot enter into an undertaking to withdraw my Amendment.

#### NATIONAL EXPENDITURE.

##### RESOLUTION.

MR. STANSFIELD : Sir, if the question of confidence in the Government should be raised in the course of this debate, it is at least not raised by the Motion which I shall have the honour of submitting to the House. That Motion was placed upon the paper in the conviction that the time had at length arrived when it had become possible, and highly necessary, that both the House and the Government should reconsider the expenditure of the country with a view to its reduction. And, Sir, I submit the Resolution now also in the belief that it is the best contribution which I can make towards the attainment of so desirable an end. It is to the sincerity of that purpose alone that I can appeal, and do appeal, as my justification to the House in occupying on this occasion a prominence and responsibility from which otherwise I should shrink. There have been certain —there have been numerous—Amendments placed on the paper since I gave

notice of my Resolution. I do not think it my province to discuss the comparative merits or demerits of those Amendments. What I have to do is to justify and defend the Resolution for which I am myself responsible. There have been certain objections made, which may be made again to-night, to the method and the time of my proceeding. It has been said that it is an inconsistent proceeding to enter upon a discussion of the expenditure of the country at a time when all the Estimates have already been passed through Committee of Supply. But, Sir, I venture to think that the appropriateness in point of time of the discussion is, after all, to be judged mainly with reference to the temper of the time; and that, when the mind of the House begins to concentrate and gather itself round a given question, that above all times is the most fitting time and occasion for those who take a special interest in it to bring it under the consideration of the House. Now, Sir, I might point to the Amendments as a proof of the opportuneness of the Motion which I am about to make; but I will go back to the time when I placed my notice on the paper, and justify my act by the circumstances which then existed. At that time there was already a consciousness pervading the minds of the House and the country that our peace expenditure had reached a *maximum*, and that it was necessary to check and to reduce it. Why, the Chancellor of the Exchequer had already gone, as it was said, to the very verge of what was consistent with collective Ministerial responsibility, both in this House and out of it, to warn back the country from the course of ever-increased expenditure on which we have for some time been proceeding. The leader of the Opposition had already been making haste to reap the fruits of an expected disaster, to which his own party had contributed as potently as any party or any section of a party. But it may be said, "If the time for this discussion be appropriate, it is impossible to defend a Resolution condemning as a whole the expenditure to which the House has already consented in detail." Now, Sir, I might confine myself, in replying to this objection, to reminding the House that I have not been so foolish as to ask it to stultify itself by condemning any specified Estimates, whose responsibility now rests, not only upon the Government, but upon the House; but I have no desire to fence with this objection. It is not an unnatu-

ral or unfair one; and I will meet it in the fullest and frankest way. Sir, it is no more nor no less than a question of sincerity of purpose and good faith. If there be any among us who, having approved our late expenditure—who, having done more, stimulated it to its utmost growth—now seize on this opportunity to profess a regard to economy solely with a party or a personal object, I, for one, devoutly hope that they may be in the issue disappointed and deceived; but if there are others among us who have long thought that our expenditure is excessive—if there are those of us who think that the time has arrived for revision and reduction—I see no reason why we should not be at liberty to seize on a time and an occasion which have become, I think, most propitious for the accomplishment of the object which we have in view. But, Sir, I cannot let the matter rest here. I am prepared to maintain that the submission of what is called an abstract Resolution, with the discussion which it implies, is precisely the most fitting and appropriate course for those of us who are specially interested in the question of economy to pursue. I am one of those who, ever since the first short Session when I had the honour to take my seat in this House, have been accustomed to look at the process by which our Estimates are said to be discussed in Committee with a feeling akin to hopelessness and despair. Night after night the House is supposed to be applying itself seriously to a consideration and revision of those Estimates; yet I know of no case in which by this process the Estimates have been seriously modified or reduced. The truth is, that the amount of the Military and Naval Estimates—of which I am now speaking—is decided by general views of policy, which cannot be discussed in Committee of Supply. If those views are once taken for granted, the Estimates which depend on them, as far as the revision of this House is concerned, a few reservations excepted, pass almost as a matter of course. So that it comes to this—that the discussion of Estimates in Committee of Supply is useless and meaningless unless it be connected with, and unless it arise out of, discussions on other and more fitting occasions about those great principles and general views of policy which really govern the amount of those Estimates. And, if this be so, I venture to put it to the House what time could be more fitting

or less open to objection for a Motion of this kind than when, the Estimates of the year having been already accepted by the House, it is impossible to pervert the occasion to a want of confidence in the Government, and when the Government is not pledged to any Estimates that may be affected by the conclusion at which the House may arrive? I do not, therefore, look at this year's Estimates, in the Motion that I have made, save as one of a series of Estimates, and as part of a continuous expenditure for which not only the present, but the preceding Government—and not only the preceding Government, but the House—and not only the House, but, in a certain sense and degree, the country are also responsible. If hon. Members will refer to a very useful and admirably-conceived Return obtained last Session by the hon. Baronet the Member for Evesham (Sir Henry Willoughby), they will see at a glance the march of the growth of our expenditure. The Return dates as far back as 1835, but it is not necessary to take the House back to that date. There is an intermediate date at which a sudden and immense expansion of our Estimates contrasts in a marked manner with the previous gradually-swelling growth of those Estimates, responsive to the increase in the wealth and prosperity of the country. I will take the year preceding the Crimean war. In the year 1853, the total Votes agreed to in Committee of Supply for the Army and Naval Services, putting out of question a Supplementary Vote of £200,000 for the Caffre war, amounted to £17,235,154. In the year 1861, not taking into account a Supplementary Vote of £1,000,000 for the China war, £53,431 for the Russian war, and nearly £1,000,000 on account of the mail packet service, which had appeared at former periods in the Naval Votes—in 1861 the cost of the army and naval services had risen to £27,550,001. Now, what is the explanation of that sudden and enormous rise? I desire to state its origin, because it is the very starting-point of what I have to say on this question. The early disasters of the Crimean war, the temporary collapse of our military system, on its first trial after a long peace, before the eyes of Europe, and by the side of France, went straight to the heart of the people of this country, and back from the heart of this great people—and let not those of us who recognise the fact, disguise it for a moment, either from others

*Mr. Stansfeld*

or from ourselves—back from the heart of the people, spontaneous and direct, came the responsive cry for efficiency at any cost. Now, in what manner have we, the House of Commons, and in what manner have successive Governments, responded to that appeal? In what manner have we played our part, and accepted our responsibility? In what respect have we failed, and what is there that remains for us to do? That is the question we have to discuss to-night. Sir, we have heard a good deal lately about the various functions of public opinion, of the House, and of the Government in this matter of public expenditure. The Chancellor of the Exchequer has lately warned the country back on the cost of our ever-increasing expenditure, and I believe that the country will respond to that appeal. But the Chancellor of the Exchequer has been blamed—nay, has been violently attacked, for having, as it is alleged, endeavoured to place on the shoulders of the people a responsibility that ought to rest upon the Government alone; and he has been accused of unconstitutional doctrine and political immorality for endeavouring to evade the responsibility with which he ought rightly to be fixed. A theory, on the other hand, has been brought forward which would absolve the Opposition and the House from any responsibility for the Estimates which they have approved, and which would have fixed it on the Government alone. That may be a very convenient theory for an Opposition—namely, to grant all the Estimates that a Government may demand—nay, individual Members of that Opposition urging on to the utmost the amount of these Estimates—reserving to themselves the right, and rejoicing in the expectation, of making political capital out of their very magnitude when the tide of public opinion shall have turned. But I venture to denounce such a policy as being to the full as unconstitutional and politically immoral as that which has been wrongly charged against the Chancellor of the Exchequer. Sir, there is no difficulty, if we look at this question in good faith, in understanding the different functions of the public, the House of Commons, and the Government. What, in the first place, may we fairly expect of public opinion? Why, we know that the great masses move on great and simple lines, and so it is with great aggregates of public opinion. At the time of which I speak, public opinion

demanded the efficiency and sufficiency of our armaments. Are we entitled to ask of public opinion that at one and the same time it should demand that efficiency, and itself take the initiative in calling for all possible economy in carrying that efficiency into effect? Here begin the functions of the House as a representative and deliberative assembly—not parrot-like, to repeat the public cry and leave all to the Government of the day, but to consider something of greater importance than any individual Votes in Committee of Supply—the great questions of the cost, the policy, and method of those armaments that may be deemed necessary for the purposes of the country. And if such is the joint responsibility of the House and the Government, I ask both whether the time has not arrived when we ought to turn our minds from that sole question of efficiency on which they have been riveted so long, and give our attention to the question of economy, with the conviction that there lies our future work, and that it is impossible to enter upon it without reaping a rich harvest in the reduction of the expenditure of the country?

Sir, if the House has gone with me so far, I will now ask its attention to the financial question. I am aware it may be said that our Naval and Military Estimates are based, not on the financial, but on the military exigencies of the year. But that is not, I think, altogether true. We all know that the cost of our services grows by no means in proportion to our needs, but rather in proportion to the growth of the wealth and prosperity of the country. The tendency of the services is, I am afraid, to take all they can get; and if we are entering on the question of economy, it is merely on financial grounds. But the financial question is of the very essence of the subject of national defence, because, if you exceed a due proportion between the resources of the country and its warlike expenditure, you introduce an element, not of strength, but of weakness, into the condition of the country. I must, therefore, ask the attention of the House to the question of the great total of our expenditure. Sir, taking the average of the last few years, our expenditure has reached the amount of £70,000,000 sterling. Now, I ask, what is the meaning of these figures? I think I can put this in a shape that will reach the comprehension of most men. A sum of £70,000,000 represents an income tax of 6s. in the

pound. Take the wages of a working man at the high average of £1 per week, and assume his family to number five persons. £70,000,000 a year means the wages, sustenance, clothing, and education of 7,000,000 of the population of these islands. We are in the habit of looking at figures very differently from different points of view. We have been in the habit of speaking of the marvellous proportions and growth of our commerce with feelings of something like wonder and astonishment. In 1860 the amount of our exports of British produce reached a grand total of £136,000,000 sterling; but what proportion of that gross value represented the profit out of which we had to spare? What portion of it represented the wages paid for labour? What portion of it represented the hard cash paid down for the raw materials imported into this country before that labour was bestowed on it? I have seen a calculation, in accordance with which the total earnings, in the shape of wages and salaries, in the vastest industry which the world has ever known—the cotton trade and manufactures of this country, with all its dependent and subsidiary trades—taken at the point of highest prosperity, reached the amount of some £25,000,000 a year. More than that amount is now yearly swallowed up by the Naval and Military Estimates of the country in time of peace; and thus it comes to pass that the whole of this vast industry, that all the labours of these teeming hives of men who make England what she is, go for nothing set against this vast expenditure in the ultimate balance-sheet of the nation. And now I put my first question to the House—Is this expenditure to be justified as a normal and permanent expenditure in time of peace? Turn for a moment to our taxation. We have of late years repealed many taxes, but not so as to render less prolific any one of the great classified sources of revenue. In the year 1847 we raised a net revenue of £51,500,000, and in 1861 a net revenue of £64,000,000. There is an increase in the revenue of £12,500,000, and out of that only £4,000,000 are to be accounted for by the rise in the rate of income tax. But though our revenue has been thus elastic and productive—though we have maintained certain war duties on income, on sugar, and on tea, to keep it up to this amount—and though we have rightly, as I conceive, availed ourselves of certain temporary resources to meet the

drain on our Exchequer, the growth of the expenditure at last threatens to exceed the growth of the revenue, and new taxes or reduced expenditure is the alternative which stares us in the face. I ask, then, whether any Government, or any party in the House or the country, is prepared to take its stand upon the imposition of new war taxes to keep up our expenditure in time of peace? We have heard something of exceptional circumstances. It is true that there have been exceptional circumstances tending to diminish during the last year the productiveness of our revenue; it is true also that there have been exceptional circumstances to cause an additional drain upon our Exchequer, of which the wars in China and New Zealand and the draughting of our troops to Canada are the most recent examples. But I put this question to the House—when did we ever know four or five years without exceptional circumstances? Is it not of the very A B C of economy in private expenditure to average such charges—exceptional, because varying in their nature, but constant, because ever recurring—and to take them into account? But I will put the question still more home. Have we any reason to suppose that the future will have less claims upon us in this respect than the present has? Look to the condition of the Northern States of America, becoming, for the first time in their history, a great naval and military Power. Is there anything there in the proximate future likely to lessen the demands upon our warlike expenditure? Come back to Europe—look at the condition of Italy. How soon is Italy to have Venice and Rome? Sir, the prospect is not immediately cheering, and dark indeed would it be were the destinies of Italy confided, so far as the influence of this country can affect them, to the tender mercies of the leader of the Opposition. Look again to the east of Europe, to those aggregate people, half tribes and half nationalities, which constitute the provinces of the Austrian and Turkish empires. Is there among us any one, accustomed to look beyond the shores of these islands to think of all that is passing around us on the Continent of Europe, who does not recognise, who does not feel, that there are elements of disturbance there, most difficult to reconcile, which are likely for years to come to be causes of expenditure to others, and indirectly to ourselves? Now, am I cutting the ground from under

my feet by that which I have just said? I have said that which I believe to be true, and which, believing to be true, it would be bad service to the cause of economy were I to affect to ignore. But if this be true, it constitutes to my mind the strongest possible reason why we should make haste to put our house in order—why we should endeavour to arrive at something like an understanding for the future, something like a principle and a policy which should give us everything that is essential for us to have at the *minimum* of cost. Where can we find such a principle and such a policy? We have not far to go. There is one by no means new, though I think it is as yet unused, and yet it is one upon which we have rather ostentatiously professed to act. I have referred to the public demand for the efficiency and sufficiency of our armaments. England was determined to be safe and to feel safe, and at the same time to hold her own before the world, and she was prepared to undergo the necessary sacrifices for the accomplishment of both of those objects. But there is a distinction between these two objects. The first is absolute. The safety, the inviolability, of these shores must be above suspicion; but the second is a matter much more within the range of discretion, and within the limits of which, I believe, large economies are possible—it is the possession of the means of aggressive warfare, and the preparation for the possibility of external warfare. If we should be agreed that the condition of things abroad is a disturbed condition, but still that this characteristic is not one which threatens proximately a war in which ourselves may become involved, but rather a chronic state of uneasiness against which we may for years to come have to provide, we have every possible reason why we should endeavour to arrive at some conclusion which would enable us to save our resources from a wasteful and excessive drain.

I may be told that the Resolution which I am about to move, and the remarks which I have made in support of it, are abstract. They have been purposely abstract. It does not appear to me that it is for me, in introducing this Resolution, to do anything more than to define and defend its general purport and scope; but it was necessary that I should endeavour to suggest something like a principle and method of possible economy. I appeal

to those of us who are sincerely for a large economy, but who are also for the honour of their country and for the maintenance of its position and the fulfilment of its duties before the world. I offer them by this Resolution a tenable ground, and the only tenable ground, as I believe, from which they may fight the economical battles of the future. I offer to them a principle which, if firmly grasped and resolutely carried out to its legitimate conclusion, promises a rich harvest of reduction in the future expenditure of the country.

There is but one subject on which I am now to touch, and I will do so as briefly as possible. Sir, the country has had from the leader of the Opposition the promise of an economy to be founded and adjusted upon a change in the foreign policy of which the country approves. It is not for me, upon this occasion, to enter upon any lengthened or detailed criticism of the views of foreign policy which have thus been held out to the House. But, Sir, it does appear to me necessary that I should state the light in which I for one regard the offer which has thus been made. Well, then, I have to say that I am unable to regard as a contribution to the cause of possible economy an offer which amounts to a declaration by the leader of one of the great parties of the State that no economy is possible, save at a price which the country ought not and which it will not pay. I say further, that I hold the policy which looks to any solution of the Italian question, save by the completion of Italian unity, as false to the cause of economy and of peace. I regard a policy professing to found itself upon the abdication of our independence and upon the system of repression of our sympathies and opinions as of all possible policies at once the most unworthy and the most certain to eventuate in war.

Sir, I trust now that the object of myself and of those with whom I think and feel has been made clear beyond all possibility of misconception or mistake. On the one hand, to the continuance of a scale of expenditure which we hold to be inadmissible and unjustifiable as a normal and permanent scale of expenditure in the time of peace; and, on the other hand, to the uncertain offer of an economy to be pursued at the certain price of a policy which we repudiate, we oppose the programme of a large economy consistent

with the maintenance of the safety, the independence, and the legitimate influence of the country. Sir, I have the honour to move—

"That, in the opinion of this House, the National Expenditure is capable of reduction without compromising the safety, the independence, or the legitimate influence of the country."

MR. BAXTER rose to second the Motion. It had, he said, often been charged upon the Liberal Members who had been the advocates of reduced expenditure in that House that they were either absent when the Estimates were under discussion or that some of the foremost of them were found in the lobby voting in favour of schemes which involved increased public expenditure. That charge in some individual instances might be true, and would always be true so long as inconsistency existed in this world; but it was not true of the great body of the party, for he had observed that on Supply nights the benches below the gangway on that side the House were generally better filled than any other part of the House, and that their occupants did not as a rule vote for increasing the burdens of the people. For himself, he could say that ever since he had had the honour of a seat in that House he had taken an active part in the discussion of the Estimates; though he believed it to be perfectly true, as had been said by the hon. Member for Halifax (Mr. Stansfeld), that no serious reductions could be effected on those occasions. The fact that he or other hon. Members took part in the discussion of the Estimates did not, however, absolve them from the bounden duty of discussing the expenditure of the country as a whole and endeavouring to press upon the House and the Government the danger of keeping that expenditure at so high a rate when we were at peace with all the world, and when our naval and military armaments were in such a state of efficiency as to render all peril from abroad totally ridiculous. It was very easy to stigmatize the Motion of the hon. Member for Halifax as being merely an abstract proposition; but he put it to the House whether the Resolution of his hon. Friend would not be likely, if carried, materially to affect the Estimates of the coming year? Was there anything unreasonable or unconstitutional in the House of Commons in the month of June, 1862, criticising the financial position of the country, and without casting blame upon any one for Estimates which were no doubt prepared

about the close of last year, coming to the conclusion that the expenditure of the country might be safely reduced? He agreed with his hon. Friend that the House and the country were responsible as well as the Government for excessive outlay, and therefore he did not see why the Government should consider this Motion in the light of a censure. Nor would the Resolution bind any one as to the future; for in case of exigency, or of foreign war, no one in his senses would say that it was the duty of the Government to reduce the expenditure. What he maintained was, that in the present state of the country—with the daily increasing distress in Lancashire—with the prospect of that distress seriously affecting the general trade of the country—with, on the other hand, the present satisfactory relations of this nation with other Powers, and the highly efficient state of our army and navy—the present excessive expenditure ought now to be reduced. He understood that the original objection entertained by the Government to the Motion was, that they could not have their hands bound by an abstract Resolution of the House of Commons. The noble Lord at the head of the Government had, however, changed his ground, and had now—compelled by the exigencies of the situation—given notice of an Amendment which was also an abstract Resolution. His (Mr. Baxter's) objection to that Amendment, as well as to the Amendment of the right hon. Gentleman opposite (Mr. Walpole), was, that while they only expressed a hope and trust, the Motion of the hon. Member for Halifax, as also that of the hon. and gallant Member for Chatham (Sir F. Smith), affirmed the principle that reduction could be accomplished. He was rejoiced to welcome on the side of economy so many hon. Gentlemen on the other side of the House. He mentioned the right hon. Member for Stroud (Mr. Horsman). The first part of the Amendment of which that right hon. Gentleman had given notice was a decided step in advance—as it distinctly impressed upon the Government the necessity of economy in every department of the State. He could not, however, go with the right hon. Gentleman in the latter part of that Amendment, in which he whitewashed the present and former Governments. He believed that the people of this country had, to some extent, been led away by their recent prosperity. They had had too much money

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to spend, and had believed that the exports would always keep up to the enormous figures to which his hon. Friend (Mr. Stansfeld) had referred. As was always the case in happy times the country had lent a too willing ear to the story of the defenceless state of the nation, whereas in a season of depression that story would have been totally disregarded. There was to be found in one of the volumes of Hallam's admirable *History of the Middle Ages*, the following remarkable sentence, which well deserved the attention of the House :—

" It is difficult to name a limit beyond which taxes cannot be borne without impatience, when they appear to be called for by necessity, and faithfully applied ; nor is it impracticable for a skilful Minister to deceive the people in those respects."

That was true at all times—especially when a country was rapidly becoming rich. But it must be remembered that the cold fit was generally proportionate to the hot fit, and that just in proportion to the extravagance of the Administration, so soon as trade begins to languish and the taxes to become difficult of collection, would the nation be disposed to pass to the opposite extreme and insist upon an unwise economy. Mr. Hallam went on to say—

" Those Statesmen who deem the security of Governments to depend, not on laws and armies, but on moral sympathy with the people, will vigilantly guard against even the suspicion of prodigality.

He thought we had been indulging in unworthy fears and trusting to batteries, and ships, and armies, rather than to the spirit and resources of a free, contented, and united people. This country had all the wealth, the mechanical skill the supply of metal, the command of coal, everything, in fact, in case of emergency, necessary to give it the advantage over other Powers. And more than that; in consequence of recent benevolent legislation, and the adoption of the principle of free trade, the mass of the population—not only the middle and upper classes, but the working men—never were so loyal or so knit together as at the present moment. Yet they went on as if they could trust nothing to this spirit, but must place all their hope and confidence in those bulwarks and "towers along the steep" of which the poet Campbell said Britannia had no need. He believed they had been listening to stories of danger and bugbears, the effect, if not the object of which, was certainly to magnify what were called the "services," and increase the expenditure

they were that evening discussing. Happily we now heard no more of those transports of 2,500 tons, each fitted with all the necessary appliances for embarking and disembarking troops, and had discovered that our navy is vastly superior to that of France ; and the suspicion prevailed that the jealousy which had been excited about France had an end in view which did not appear on the surface. He wished to be perfectly candid on this subject, and he was free to admit that there still rankled a belief in the public mind that it was since the accession of Napoleon to the throne of France, that the navy of that country had been largely increased, and in greater proportion than our own. But the reverse of this was the fact. He appealed to the figures ; and would compare the last year of the reign of Louis Philippe, 1847, with the financial year 1861-2. In 1847 Great Britain had 45,000 seamen, and France 32,000. In 1861 Great Britain had 78,000 and France 34,000. In other words, while the men in our navy had increased by 75 per cent, the men of the navy of France had only increased by the number of 2,000. He did not approach this question of expenditure, with merely theoretic views. He was not a member of the Peace Society, and did not believe the time had come when we could turn our swords into plough-shares. He grudged no money for the proper equipment or comfort of the British soldier. And as for the navy, even the hon. Member for Rochdale (Mr. Cobden), admitted that the navy of England ought to be greatly superior to the navy of any other Power. This was required, not only for the safety of our shores, but for the protection of our commerce and colonies. He therefore looked at the question as one of degree, and he believed that the reduction advocated by the hon. Member for Halifax, could be made without injury to the interests of the country. His hon. Friend had mentioned the sum total of the expenditure during the last nine years ; but it was important that the House should have before it the figures in a little more detail. In the years 1853-4 there were voted of men for the British army 102,283 ; and for India, 29,749 ; making a total of 132,032 men. How many had we in 1862-3 ? No less than 145,450 men of all ranks ; and 83,523 in India ; a total of 228,973, against 132,000 in 1853—a difference of 96,941 men. Even exclusive

of India we had 43,167 men more than we had nine years ago:—to say nothing of 150,000 Volunteers, who had been declared by competent military authorities to be equal in many respects to the regular troops—to say nothing of the Militia and Yeomanry Cavalry. They were assured also that many thousands of these Volunteers could be concentrated on any point of the coast in a few days. [An hon. MEMBER: A few hours.] That was all the better for his argument—he did not wish to overstate the case. Was such a force to be reckoned of no avail in discussing the expenditure of the country? And if they were available, ought not the regular army to be reduced? In 1853-4 the Estimates for the army, ordnance, and commissariat amounted to £9,635,709; in 1862-3, exclusive of the army for India, the Estimates were £14,317,370; an increase of £4,681,661. He asked what there was in the internal condition of this country, or in our external relations, to prevent the reduction of the army by 20,000 men. Even then we should have 23,000 more, and all the Volunteers besides, than we had in 1854. Our material of war had also increased at an unexampled rate, and to an amount which said little for the foresight and judgment of the Government. He had been informed that there were now at Woolwich a sufficient number of cannon and of shells to last an army in the field for three years, though engaged every day. But it was added that these enormous stores—greater than any country ever possessed before—were totally useless, because they would all have to be re-cast in consequence of the improvements that had taken place in military science. Passing from the army to the navy, he desired to point out some facts well worthy the attention of the House. In 1833-4 we voted 45,500 men and boys for the British navy, and now we had 76,000. In 1853-4 the navy Estimates were £6,235,493; in 1862-3 they were £11,794,305—an increase of £5,558,812, or between 80 and 100 per cent. He did not believe the country to be sufficiently aware of the fact that there had been an increase in the Estimates of the army and navy during the last nine years of ten millions and a quarter—just about the produce of the income tax. If hon. Gentlemen opposite really desired to get rid of the income tax, let them agree to go back to the military and

naval expenditure of 1853-4, and then they might do away with the income tax altogether. Let it be remembered that at the former period we had no Naval Reserve whatever. He (Mr. Baxter) thought it an admirable force, and he begrimed none of the money applied to it. Now, on the authority of the Secretary to the Admiralty himself, we had 10,000 men or more in the Naval Reserve; and the noble Lord had stated that, irrespective of the fleet afloat, as many as 47,800 men could be got to go on board our ships if an emergency required. Compare our condition with that of France. There were serving in the Royal Navy of England more men and boys than were to be found in the whole of the mercantile marine of France. An hon. Gentleman opposite shook his head. Let an appeal, then, be made to figures. There had been voted this year 76,000 men and boys for the Royal Navy of England; and the French mercantile marine consisted of about 70,000 men, scattered over all parts of the world. It was often said that the French had a powerful reserve in their maritime inscription. That means was becoming more and more unpopular every day. The maritime inscription included all the sailors in every part of the world, all the fishermen that hoisted the flag of France, all boatmen on the navigable rivers of France, and all the labourers, mechanics, and artificers in every dock-yard. What reason, then, had we to fear the French Navy, when for their 70,000 we had 300,000, and when, if we were to include all the classes included in the French maritime inscription, we should have more than half a million of men. Now, one word on a fact which bore closely upon the question before the House—namely, the gradual decadence of the mercantile marine of France, from which the national navy must be fed. Our mercantile marine, even in the worst times, had been steadily increasing, while that of France had been gradually declining. In 1859 the tonnage in France was positively 42,000 tons less than in 1857. He would not touch, as he had intended, upon the vexed question of iron ships. We had now found out that all those stories about the increase of the screw liners of France and the increased number of men serving in the navy were entirely apocryphal. Now, we were told that they had more iron ships. He would admit that whilst our Admiralty were going on in a jog-trot way building sailing

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vessels, the French had abandoned them for screw liners, and afterwards, when they had abandoned screw liners and were building iron-plated ships, we were wasting time in building screw wooden vessels. That was the real explanation of all those panics—if the noble Lord would allow him to use the term—that had taken place in regard to France. We had lost a great deal of time by stubbornness; but would any man say that, in a race of this kind, England could possibly be beaten by any Government on earth? The papers that had been delivered to Members that morning with regard to the marine of France would dissipate all these delusions. In the spring of 1860 the Secretary to the Admiralty told the House that the French would very soon have five steam iron-clad frigates at sea. It was now the month of June, 1862, and only one of those frigates was at sea. Last year the number was stated to be fifteen; then it grew to twenty-seven; and now the noble Lord seemed to delight in the idea that our neighbours across the Channel had got thirty-six or thirty-seven iron-cased ships. But where were they, and what are they? There were only six afloat, and the papers delivered that morning would relieve the minds of hon. Gentlemen who had been alarmed. The French were building very slowly; and it was evident, that whilst there were a number of small batteries that were never intended to cross the ocean at all, and were merely for the defence of the dockyards, the rest only formed part of a paper programme, and were not likely to be finished for years. He should not be surprised if this programme remained unfinished until some invention other than iron-clad ships rendered these vessels totally unnecessary. It had been stated that the Civil Service Estimates could not be reduced, and must go on increasing; but they were less this year than they were last; and if the Chancellor of the Exchequer's intentions were carried into effect, they would be still less next year. To show how they could be reduced, he need only refer to the fact that this year the Estimates for the Printing and Stationery for this House was £73,000 less than it was last year. This was partly owing to the repeal of the paper duty, and partly to the indefatigable zeal of Mr. McCulloch, the head of the Department. The Government ought not to lose sight of the recommendations made by the Select Committee

of last year, presided over by the hon. Member for Taunton (Mr. A. Mills), and ought not to forget that some of those recommendations had been endorsed by a Resolution of the House. If effect were given to those recommendations, he believed the hon. Member would concur with him, that the eventual saving would be at least a million a year. He believed it to be the duty of the Government to adopt those recommendations now. He would not have trespassed so long on the attention of the House had he not wished to bring forward figures which appeared to him to have an important bearing on the subject. He assured the Government that he had not spoken with the slightest feeling of hostility to them. He had attacked no man or party; he desired to steer clear of anything like party combinations or alliances. His sole object was to bring about the adoption of a policy which he believed the present circumstances of the country justified and demanded. The House might reject the Motion of his hon. Friend—he hoped they would not—but both the House and the country must, nevertheless, act upon it. They could not go on much longer squeezing £70,000,000 a year out of the taxpayers of the country. If the war in America continued, there must inevitably be continued distress, and difficulties in obtaining the taxes; and with all respect to his right hon. Friend the Chancellor of the Exchequer, he would find himself in dread of a deficit at the end of the financial year. If there were a deficit, they would be compelled by the force of public opinion to reduce the expenditure. He wished them to adopt the policy of the hon. Member for Halifax, to set their House in order, and, before the pressure from without came, to adopt the wise policy of retrenchment, which he conscientiously believed to be both a necessity and a duty, and which he, also, believed the Government might carry into effect, not only without difficulty or danger, but with the greatest possible advantage to all classes of the community.

Motion made, and Question proposed,

"That, in the opinion of this House, the National Expenditure is capable of reduction without compromising the safety, the independence, or the legitimate influence of the country."

VISCOUNT PALMERSTON : Mr. Speaker, I avail myself of the courteous intimation which was made by the noble Lord on the other side, and by my right hon.

Friend (Mr. Horsman), that if I were prepared, on the Motion being made, to propose the Amendment of which I have given notice on the part of Her Majesty's Government, they would not insist on their right to precedence. It will, perhaps, save the time of the House if I avail myself of this permission. Sir, I must do justice to the ability of my two hon. Friends who have moved and seconded the Resolution, and also to the fairness with which they have repudiated party motives. I have no doubt that they have at heart only what they conceive to be the public interests, and that the object which they seek to attain by the Resolution is one which is perfectly compatible with the interests of the country at large. I differ, however, from some of the views which they have expressed. I cannot concur with my hon. Friend the Member for Halifax in many of the arguments which he has used in support of his Resolution. He admits that the discussion of the Estimates in Committee of Supply might be deemed the fitting opportunity for criticism upon, and, if necessary, to propose a reduction of the Estimates; but holds that such a course is inconvenient—that the House is not disposed to listen to advice at that time. He says he cannot remember any successful attempts in Committee of Supply to diminish the effective services of the country by reducing the votes which the Government of the day proposed. I might draw from that fact a very different conclusion. I might infer that the Government of the day had wisely proportioned the amount of the establishments to the necessities of the moment, and that therefore a majority of the House, concurring with them, had affirmed their proposals and rejected any Motions for reduction. I differ with my hon. Friend in thinking that the Committee of Supply is not the fittest and most convenient occasion upon which these subjects can be discussed. He says that the amount of our naval and military forces must depend on great political considerations on the general state of the country, and of its interests on an enlarged view of the whole subject. Well, why cannot such matters be discussed in Committee of Supply as well as on any other occasion during the Session? It seems to me that there is an obvious advantage in going into these considerations in Committee of supply, because Mem-

bers attacking and Members defending votes may then speak as often as they choose, and are not limited to the opinions or arguments which they may utter in a single speech. There is an obvious convenience, therefore, in proposing any reduction that may be thought convenient in Committee of Supply. My hon. Friend believes that the proper time for criticising the Estimates is after they have been voted by the House. That is the occasion he says—for his argument comes to that in the end—not for affirming that the public establishments of the year are too great, but that, taking into view those large considerations connected with the general policy of the country to which he adverted, a reduction may be made in the next ensuing year. That does not seem to me a proposition which is consistent either with reason or with facts. It is perfectly competent for any hon. Member in a given year to argue that, in the existing circumstances of our internal condition or foreign relations, the amount of establishments which the Government propose is unnecessary, and it is then for the Government to show by actual facts that they are right in the proposals they have made. But how can any man say in May or June, 1862, what will be the state of affairs in 1863? How can the Government tell beforehand what will happen in the following year? How can any one know—either the party who propose the reduction or those who support the Government know—whether it ought to oppose the reduction? How can either argue the proposition which they wish to enforce with any semblance of reason or any facts that will carry conviction to the minds of their hearers? Therefore, Sir, I say that on general principles I am against all these anticipatory Resolutions. I think they involve a course which is not becoming the Parliament of this great nation. They bind you to nothing—they only bind you to something that looks like a blindfold rushing into that future which it is not in the power of any man to penetrate. Those Resolutions, therefore, amount to a nullity, or an idle and embarrassing pledge, both for the House and the Government. I would rather have stated to the House why this Resolution is one that it is not convenient to the House to agree to; but Amendments were proposed which it was necessary should be discussed, and therefore the Government

thought it was their duty to submit an Amendment which should embody the policy which they desire to recommend to the House. The hon. Gentleman has fairly acknowledged, that the amount of our naval and military expenditure was the result of the combined desire of the nation, the Parliament, and the Government. It is perfectly true, as he has observed, that the mischances which happened in the early part of the Crimean war struck deep into the hearts of the English people, and that that which vibrated to the hearts of the people was felt by and guided the policy of the Parliament and the Government. And what was it that struck so deeply into the hearts of the English people? Why, this—they saw that the organization to which they had been accustomed in time of peace, had broken down when tested by actual service. Moreover, they argued justly, that if our preparations failed when they were called into action on foreign service, they would not be very efficient if they should be required for home defence. It was therefore a wise desire on the part of the country, that our naval and military forces, in all their details, should be placed on a more satisfactory and reliable footing. Well, Sir, that object successive Governments have endeavoured to accomplish. Both my hon. Friends have borne testimony to that. They have mentioned the different augmentations of expenditure which have been caused by the improved arrangements of the naval and military services. Those arrangements could not have been made without a greatly-increased expenditure. That increase of expenditure, as far as it has arisen from a superior organization of the army and navy, has been justly called for by the country, wisely sanctioned by Parliament, and legitimately proposed and carried into effect by successive Administrations—by that with which the Gentlemen whom I see opposite were connected, as well as by that which has the honour to conduct the affairs of the country at this moment. Well, Sir, the House is called upon at this period—though the words of my hon. Friend's Motion imply, that the establishments of which he speaks are now capable of reduction; but I infer from his speech, that is not his meaning; I think he rather means next year—we are therefore to be called upon now to express an opinion, that next year less naval and military establishments will be necessary than we

have voted this year. Now, what does my hon. Friend say with regard to the circumstances under which those establishments are to be placed? He says, the House has been told that we have had exceptional years—that there have been chance operations in China and disturbances in New Zealand and elsewhere; but then my hon. Friend truly says, "Do not run away with the idea that these years were exceptional, in the sense that you will never have unforeseen events happen which will require an additional development of your naval and military forces." My hon. Friend said candidly enough, "These things are all likely to occur." In this respect, I think my hon. Friend made a very telling speech against his own Motion. He says, "Do not flatter yourselves upon an impunity in future years from what has happened before. Look," he said, "at the state of things in North America. As the war tends, you cannot tell whether your Northern possessions may not require defence." Then he said, "Look at the East" (I think he mentioned China)—there things are always uncertain. "Look at Europe," he says; "look at Italy;" and I heard with great pleasure the generous and liberal sentiments which came from his heart, in spite of his wish to support his own argument. He could not, in the generosity of his nature, forego the pleasure of expressing his liberal feelings towards that country; and I hope it may be very long before those feelings shall cease to be felt both by the people and the Government of this country. He expressed an opinion which did not imply any great confidence in Gentlemen who sat opposite, because he said, that he hoped Italy might be saved from the tender mercies of the right hon. Gentleman the Member for Buckinghamshire. I fully join with him in that hope; and in order that it may be realized, I deprecate a Vote of this House—at all events, until Italian unity is fairly established—which would transfer the conduct of affairs from my noble Friend now at the head of the Foreign Office to the right hon. Gentleman the Member for Buckinghamshire. Then, I say, that my hon. Friend and myself are agreed, that it is part of the duty of Parliament to enable the Government of this country to hold a proper position with regard to the affairs of the world, and, without interfering by force of arms, at all events to exert a moral and, I will not say, preponderating, but at

all events a powerful influence in favour of the principles which this great nation so heartily and cordially approves. But to do that, it is essential that we should be in a position of perfect self-defence; and by self-defence I mean not merely self-defence upon the shores of these islands; we have interests all over the world; we have possessions in every part; and the perfect defence of the country means that we should, as stated in the Amendment which I shall have the honour of proposing, have the means not merely of defending our own shores, but also of protecting those vast interests, commercial and political, which we have in every part of the world. For that it is necessary that there should be certain naval and military establishments; and I contend that it is the opinion of this House—I claim the opinion of the House because it was expressed in a Vote—I say it is the opinion of the House this year that we have not overstated our military establishments, because there was a Motion made by my hon. Friend the Member for Brighton (Mr. White) to reduce the army by 10,000 men, and he could only get eleven Members to vote with him. I am, therefore, entitled to say that this year the House has sanctioned the recommendation of the Government, and has expressed the opinion that our military establishments are not greater than are necessary. My hon. Friend who seconded the Motion (Mr. Baxter) went into a long and detailed calculation concerning the navies of other Powers, and especially the navy on the other side of the Channel. He must admit, what we have been told over and over again, that henceforward the issue of naval engagements will depend more upon iron-clad than upon wooden ships. There have been ups and downs between the two classes of vessels as far as the recent conflicts in America go. At one time iron-clad ships had the best of it; then forts had the best of it; then wooden ships had the best of it; but it is quite clear that in future iron-clad ships will determine the issue of naval engagements. It is also demonstrated by the papers that are upon the table of the House that, as far as ships built and in course of building go, the French are ahead of us by, I think, about eleven iron-clad ships. It is not to the purpose to tell me that at one port there are iron ships about which not much is doing, and that there are ships which have been ordered of which only

the keels have been laid down. The fact is, there are thirty-six iron ships built and building in France, and there are only about twenty-five built and building in England. Therefore, I say, that it is preposterous to say, in regard to our naval establishments, that we have more ships than are necessary; we have not as many as are requisite, according to the proposition of my hon. Friend, who says that England ought in her naval force to be superior to every other power. My hon. Friend also went into a long enumeration of the reserves of the two countries. We have, no doubt, a much greater mercantile marine than that of France, but it is scattered over all the seas of the world, and is not available at a moment's notice. We have, thanks to the exertions of my noble Friend at the head of the Admiralty, an important and increasing Naval Reserve at home; but the French have a very large inscription—I think amounting to something like 170,000 men, but I will not trust my memory to state the number—however, there are on the French inscription and conscription a very large number of men who are liable to be called upon to serve if need should be. Well then, Sir, it seems to me that, whether or no, the state of things next year may be so far different from what it is now as to admit of reductions being made in the expenditure upon our army and navy; yet, looking at the matter as it now stands, I contend that the Resolution of my hon. Friend, worded as it is, and applying literally to the establishments of the present year, is one the adoption of which would be a stultification of the House, and a reversal of the decision to which they came when the matters were submitted in detail to their consideration. I hope that things next year may be in such a condition as may enable us to come to Parliament and propose a reduction of the expenditure of the country. The Amendment which I am about to propose pledges us to do that fairly and honestly, as far as we think it possible, consistently with our public duty; and any Government that came down to this House to make a reduction simply as a claptrap attempt to gain momentary favour from the public, would soon find that they lost a great deal more than they gained, and that in that matter, as in others, "Honesty is the best policy." The duty of the Government—and I can assure the House it will be our earnest endeavour to perform that

duty—is to proportion the demands made upon Parliament to what may be fairly and honestly considered the wants of the country at the moment to which the demands apply. Therefore I think that the Amendment which I shall propose combines a statement of the opinions which, as it seems to me, animate the two sides of the House. We propose that the House shall say that it is the duty of the Government to study and practise economy in the public services of the country, and that it is also an obligation upon this House not to lose sight of its duty to provide adequately for the defence of the country, and for the maintenance of our interests abroad. Now, I should like to see the Gentleman who would dissent from that—I do see the Gentleman who dissents from it—the right hon. Gentleman the Member for the University of Cambridge (Mr. Walpole), because he omits altogether the protection of the interests of the country abroad. His Resolution would confine the attention of the House to the defence of our shores. [“No, no.”] I say it is limited to that. Only read it, and you will find that it is so. [“Read, read!”]

MR. DISRAELI: He adopts your first Resolution.

VISCOUNT PALMERSTON: The right hon. Gentleman leaves in what we put in his preamble; but when he comes to the practical part of his Resolution, he confines the enactment solely to the defence of this country: and, after all, he only slips in the reference to our interests abroad as a parenthesis. When that was put in—it looks like a sort of afterthought—there was so little time that it could not be well woven in with the substance of the Resolution. Our Resolution affirms the duty of the Government and the obligation of the House to provide for the defence of the country and the protection of our interests abroad. I do not think that there is any man in the House who, when the question is seriously put, would negative that affirmation. We say that we have seen with satisfaction that some decrease of expenditure has been effected. Listening to the speeches of my hon. Friends who moved and seconded this Resolution, one would have thought that the expenditure of the country had gone on annually increasing. That was their whole argument, and those who were not acquainted with the facts would have been led to the conclusion that year after year

we had been adding enormously to the expenditure of the country. But the fact is exactly the contrary. The fact, as shown by the papers laid upon the table, is, that the expenditure of this year is £1,800,000 less than that of last year, and about £3,500,000 less than that of two or three years ago. I say, then, that the assumption upon which most of their argument rested, that we were going on recklessly and extravagantly increasing the expenditure of the country from year to year, utterly fails, because it is proved that the Government has, without any stimulus from motions of this sort, gone on upon its own responsibility progressively diminishing the amount of the annual expenditure. At the same time there have been reductions in the taxation of the country. The income tax has been diminished, and a great number of small duties connected with the French Treaty have been taken off. The Government have shown that they are mindful not only of their duty to reduce expenditure, but also of their duty to diminish as far as they can the burdens of the country. Consequently, that impression which the speeches of my two hon. Friends were calculated to produce, that we have gone on in a reckless course of increasing expenditure, is really quite opposed to the facts, as shown by the papers, and known to those who have chosen to look into them. Well then, Sir, I claim for the Government assent to the proposition which they submit in the shape of an Amendment to the Motion of my hon. Friend. I say that under that Amendment the Government will feel themselves bound in duty to themselves and in obligation to the House, narrowly to examine the different establishments which they may have to propose next year; and if the circumstances of the country and of the world shall lead them to think that they can justly and honestly propose to Parliament a reduction of expenditure on account of those establishments, they will be only too happy to do so. But the object here is to tie us blindfold with regard to a future which we cannot foresee, and tell us, like naughty schoolboys, “Do a certain exercise; write down what you are told; and mind you do it next year, happen what will, and be the circumstances what they may.” I think that is not a becoming course for Parliament to ask any Government to adopt. If Parliament finds a Government in office which

it does not trust, and which it thinks necessary to bind hand and foot by a prospective Resolution, why, then, I say it had much better get rid of that Government, and choose another which it can trust. Better, both for the sake of the Government, and of the country, to do that, than to cripple their action, and lower them in the eyes, not merely of England, but of the world, by fettering them in matters with regard to which no human foresight can foretell what may happen. My hon. Friend who made this Motion and other hon. Members who from time to time express their opinions on foreign affairs, I am sure, wish this country to take a part in European questions—not actively to interfere in hostilities, but by the force of reason and the expression of opinion, backed by the moral weight of the country, to endeavour to influence in a liberal spirit the course of events. But if a Government that is expected so to act, is looked upon as a Government upon sufferance, not trusted even by those who profess to support it, but shackled by its own friends and not allowed to have a free will or honest opinion of its own, I say that Government is unable to carry out the wishes which may be expressed in this House, and I say it is much better for the House, especially if they should find the country to be of the same opinion, to change the Government and put in another in whose unfettered action they could repose constitutional confidence. That is my objection to the Amendment of the right hon. Gentleman the Member for Cambridge. He says with perfect sincerity that he has no wish to disturb the Government. Well, Members may wish not to disturb a Government, but they may desire to lower them in public estimation; they may wish to degrade them in the eyes of their countrymen and of the world. I do not impute that to the right hon. Gentleman, because he is too high-minded a man to resort to those means; but, nevertheless, men sometimes do things that have an effect different from that which they contemplate. Now, that that is the effect has been but too clearly expressed in the course of this debate. I stated it in the beginning of the evening. Gentlemen on the other side, the right hon. Gentleman especially, denied that there was any such intention. No, the Amendment, according to them, was proposed simply for the public good, and to enforce a strict regard for proper economy. But

what said my right hon. Friend the Member for Stroud? Why, he said that it was an expression of distrust in the present Government. [Mr. HORSMAN: Hear, hear!] That is what I say; we are quite agreed. My right hon. Friend is a very good judge of Parliamentary as well as public matters; and that is his opinion as one who is supposed, I hope justly, to be well inclined towards the Government of the day. Then what did we hear from the other side—from an hon. Member who, by reason of his sitting high above his fellows, may be supposed to be a careful observer, and speaks with some degree of impartiality and independence — what did the hon. Member for Devizes (Mr. D. Griffith) say? He said we were going to eat the leek; he concurred in the belief that an acceptance of the Resolution would be a degradation and humiliation of the Government. I say it would; and the House cannot be surprised that we should not choose to accept either an expression of distrust, or a compulsion to eat the leek. Therefore, on the part of the Government, I certainly am not in a condition to submit to the Amendment of the right hon. Gentleman. It may be said, and I dare say the right hon. Gentleman will say, that in truth and substance there is no material difference between his Amendment and ours—that they are very much to the same effect. Well, then, I say why does he persist?

"The wound is great because it is so small." If there is no material difference in the probable result, why does the right hon. Gentleman come and tell us to tear up our own exercise and write his? Why does he spurn the words that we propose, and peremptorily tell us that we must adopt his instead? There is no use in disguising the fact—the desire is to impose a degradation upon us. There is no public object to be gained by his Resolution; but I object to the words in which it is couched, because they imply coercion instead of free action, and for that reason I am totally unable to accept it. Of course, if the House are prepared to adopt it, it must be considered as an expression of distrust and an attempt to make us swallow the leek—and the consequences will be such as the House may naturally suppose. We could not either submit to an expression of distrust, nor, whatever our appetites may be, could we, even at this late hour, consent to swallow the food which has been set before us. I hope the House will view the question in an enlarged and statesman-

like manner. If the right hon. Gentleman and those who sit there really want the House to express distrust in the Government, let them do it fairly and manfully—on direct action and affirmation. We shall then be prepared to state the reasons why we think we deserve the confidence of the House, as, without affectation or flattery, I do say that we possess the confidence of the country. But these things are not to be done indirectly or by implication. There is a manly way in which political parties approach a contest within these walls; and if it is the desire of the party opposite to make a trial of strength, why let them try fairly, in a way that shall explain itself to the whole world. We do not at all shrink from that contest; but we will not accept a Resolution that implies censure which they are not prepared openly and in words to move. I trust the House will not be deceived by an assertion that is merely putting in different words the meaning that the House has not confidence in Her Majesty's Government. I say the words of our Resolution are sufficient to satisfy any reasonable man. If the House have no confidence in Her Majesty's Government let them say so, and we shall then know what to do.

*Amendment proposed,*

To leave out from the word "That" to the end of the Question, in order to add the words "this House, deeply impressed with the necessity of economy in every Department of the State, is at the same time mindful of its obligation to provide for the security of the Country at Home and the protection of its interests Abroad; and observes with satisfaction the decrease which has already been effected in the National Expenditure, and trusts that such further diminution may be made therein as the future state of things may warrant."

—instead thereof.

MR. DISRAELI: Sir, from the somewhat desultory observations of the noble Lord, I observe that one topic was studiously omitted; he avoided all reference to the present condition of our finances, though that condition—described by one Member of Her Majesty's Government as unhealthy, and believed by Parliament and the people of England to be dangerous—is the real cause why the subject of national expenditure has been brought, somewhat suddenly it may be, but most earnestly, under the consideration both of Parliament and the people. Now, Sir, I am sure I do not misinterpret the general feeling of the House upon this subject

when I say that there is a desire to effect all practicable reductions in that expenditure which are consistent with the complete efficiency of the public service, with the security of our shores, and with the protection of our interests abroad.

Now, Sir, let me take the first point to which the noble Lord adverted, and to which the first part of the Resolution of the hon. Gentleman refers. Let us look to the question of our home defences, of which we have lately heard so much. Well, that is not a new question. We have been establishing and completing our home defences for a considerable period. It is a subject which has engaged the attention of Parliament and the resources of the country for now more than ten years. Ten years ago a Ministry was formed for the sole purpose of establishing a Militia throughout this country founded on a popular principle. Well, a Militia, on that principle, was established, and most successfully established. During the ten years that have elapsed that Militia has been embodied; it has fed our regular army with soldiers equal to veterans; it has sustained foreign service in our garrisons with a discipline which those who commanded there have recognised as equal to that of the Line; and when war ceased, that Militia was disembodied; and when the annual appeal was made to it for its muster—which, at the time, it was said, would be quite illusory—that appeal has always been responded to with an alacrity—as displayed in the last few weeks, I may say days—which has shown that one great arm of our national defences has been successfully, completely, and I hope permanently established. But the Government, that ten years ago was called into existence specifically to effect this object, effected also another great object connected with our home defences. It established a Channel Fleet. After that period this country was engaged in war. Its immediate attention was, for a time, diverted from the specific object of home defences; but the indirect effect of that war very much increased our means of defence at home, for it produced a perfect army in this country, which, in every branch, and in every military attribute, is now recognised as inferior to none in existence. Well, Sir, subsequently to all this, by one of those spontaneous acts of public spirit which eminently distinguishes England, you saw the great Volunteer movement raise a do-

mestic army, now admirably disciplined, and which, I trust, will be of a permanent character. What is the consequence of these great incidents so far as our home defences are concerned? Counting our regular army, which for some years on an average in this country has been not less than 100,000 men, you have in England—at least, in the United Kingdom—a body of disciplined men, accustomed to the use of arms, of not less than from 350,000 to 400,000, a garrison for these islands equal almost to the army of France; and in addition you have the command of the Channel by your fleet. Well, then, Sir, I say that so far as our home defences are concerned we have not been idle or unsuccessful in our exertions, and that it is difficult to conceive how any country can be in a position more completely secure than Great Britain is at this present moment. If, however, there be any proposition by which our home defences can be really improved, I am quite sure that Parliament will listen to such a proposition from any Government with the utmost attention; but for the present this great result remains, and none can deny it, that we have in England, and have had in England for some years, a garrison—I may call it a national garrison—composed of our regular troops, our Militia, and our Volunteers, and other elements which it would be wearisome now to dwell upon—amounting to scarcely less than 400,000 men; and we have in the Channel an efficient and commanding fleet. Well, Sir, I am myself a supporter of such a state of affairs as regards our defences—not with reference to any country contiguous to us or to the disposition or policy of any of our neighbours. In my mind this is a state of things which ought to exist abstractedly, if I may use the term, with regard to the defences of this country. And while I would not, for example, rest that programme of defence upon the assumption of friendship on the part of our neighbours—an element which I for one have no wish to bring into this consideration—so I would not, on the other hand, do as the noble Lord does, argue in favour of those means of defence on the assumption of the enmity of our neighbours. We ought to look to our means of defence on this principle alone—whether they are adequate to the position which this country occupies. And I must say that I was astonished that even in so recent a period as three weeks ago, when we

had a discussion on the subject, the noble Lord at the head of the Government concluded his observations by saying that England should be prepared for a sudden invasion of its shores by its nearest neighbour—that this country should be prepared against some midnight foray of a cordial ally. Such declarations confound civilization; and a policy founded on such principles can only lead to national disaster. So much for our national defences; so much for the subject which has engaged the anxious attention of Parliament and the country more or less for the last ten years. I say that we have completely succeeded in effecting our object. We have in these islands a force of nearly 400,000 men disciplined, used to arms, and animated with that high spirit which a free country alone can display. We have, in addition, a commanding fleet in the Channel, as we ought to have; and we are prepared to support any measures that may be necessary to increase our home defences. This being so, I think we ought to consider at this moment what has been done, and review our position with calmness. I say it is a monstrous mistake for a moment to suppose that this country is not adequately defended—and, I say, that there is no country in the world, so far as artificial arrangements are concerned, more secure than England. And what is this country that you have so properly guarded and protected? Is it a country without any spirit of its own? Is it like some other countries, where the Government is mere police, where there is no public opinion, no public spirit, nothing of the inspiration of ancient freedom, no strength and resources but those of the Government itself? Why, Sir, that Minister is unworthy of governing this country who forgets for a moment that the people of England are the most enthusiastic people in the world. There are more excitable people to be met with—the French, for example, are far more excitable—but there is no people so enthusiastic as the English, as they have shown, among other instances, in this very question of national defence. To say of this country, protected by 400,000 men and a commanding fleet in the Channel, that we are in danger of midnight invasion from cordial allies is a mystification too monstrous for belief.

I come now, Sir, to the second point of the hon. Gentleman's Resolution—the protection of our interests abroad. I have

been trying to give some meaning to a phrase so vague. By protecting our interests abroad I conclude that the House of Commons means that in all our principal stations throughout the world we should be represented by an adequate armed force; that our commerce should be duly protected; that our foreign garrisons should be efficient, their fortifications strong, their armaments complete, their troops numerous; that in our great naval stations—the Mediterranean and the West Indies—we should have commanding fleets to secure our supremacy of the sea. Well, Sir, these are certainly sources of influence for England in her intercourse with foreign Powers and foreign Courts. When it is known that the garrisons of England are strong, that her fleets are commanding, that her extensive and unrivalled commerce in every clime is adequately defended, no doubt those are sources of respect for us with foreign Courts and countries. But allow me to say, there is also another great source of influence, and perhaps the greatest, which England possesses with foreign countries. I pretend to no more experience of foreign Courts, and foreign statesmen, than has fallen to the lot of many, perhaps to the majority, of Gentlemen in this House; but I have seen some, and I have in the course of my life been in communication with some of the most eminent statesmen of various countries—men of different political parties and of varied experience—and I have always heard them use this language with regard to the influence of England—that the real cause of that influence of England—which, no doubt, on the average, is the most permanent influence throughout the Continent—may be found in this circumstance, that England is the only country which, when it enters into a quarrel that it believes to be just, never ceases its efforts until it has accomplished its aim. Whereas it was always felt in old times, and in generations that are passed—and hon. Gentlemen can form their own conclusions whether the present state of Europe makes any difference in this matter; that, with scarcely an exception, there was not a State in Europe, not even the proudest and most powerful, that could ever enter into a third campaign. What, then, gave us this power of continuing any war on which we had entered? It was the financial reserve of England. It was the conviction that the resources of

England, when once we chose to engage in war, were such that it was not a question with us of one, two, or three campaigns; but that, as we had proved in old days, our determination, supported by our resources, would allow us to prepare for an indefinite struggle, whenever we had an adequate object. But I say, if you allow your finances to be sapped and weakened, you are at the same time weakening this prime source of your authority. You may have these strong garrisons in foreign parts, and you may have those improved armaments, and those fleets of commanding power; but if you have omitted the greater, or at least the principal, source of your power—namely, a sound state of your finances—you may find that you have omitted a most important element of that influence abroad, and that security for maintaining it, of which we have heard so much. Now, we are sometimes asked, why do you not propose something definite when you talk of retrenchment? The answer is obvious. In the position in which we stand, we must deal with general truths and aim at general conclusions. It is only for Gentlemen who sit on the other side of the table to come forward with specific propositions on specific items. But, Sir, I think it is not difficult even on this side of the table to place before the House some results which, if I have not mistaken the character of the House of Commons, and the common sense of England, will not be listened to with indifference. Sir, I have shown you that whether you look to your home defences at the present moment, or to the means which you now possess of protecting your interests and maintaining your influence abroad, you have made adequate preparation. Well, Sir, I have taken the necessary pains to calculate what is the cost of these home defences of which I think we may be justly proud, and with which I think we may be perfectly satisfied; also of the cost of those fleets and garrisons that we have abroad at the present moment to protect our interests and maintain our influence. I have, from official documents in the possession of every hon. Gentleman, made calculations of what is the united cost and expenditure to the country under those two heads:—and I find, when I have ascertained that cost, it does not account for our naval and military expenditure by a vast sum; that after supplying the sums necessary to maintain those defences

and protect those interests, there still is a vast expenditure under those heads unaccounted for. Then, I say, at the first glance there would appear to be some margin—even in that view of the case—for considerable, and, in the present state of the finances, of necessary reduction. But then a plausible objection may be taken, and I am here to acknowledge its plausibility and to answer it, for we hear it every day, whenever this question is brought forward. " You forget that the naval and military condition of England at the present moment is one of transition; that you are changing in this age of scientific discovery, and scientific discovery especially applied to warfare, your whole system of armament, and that this leads to the vast expenditure which, otherwise, would not be accounted for." Well, that is a satisfactory solution, provided one condition be fulfilled, that it is true. I will now examine whether it is true or not.

We have before us now, in the statements of the Minister, and in papers on our table, authentic information on these subjects. What have you done with regard to the armament of your army and navy and other forces during the last few years? You have done great things. You have completely armed your regular troops, in amount exceeding 200,000 men, with the most perfect weapon of modern invention—the Enfield rifle. You have armed your Militia with the Enfield rifle. You have armed the Volunteers with the Enfield rifle. You have armed even Canada with the Enfield rifle. And having done all this, you have in store at this moment a number of Enfield rifles capable of arming your regular forces, your Militia, your Volunteers, and even Canada, for a space of ten years. If you have effected these great results for your small arms, what have you done for your artillery? You have armed the whole of your foreign garrisons with Armstrong guns. You have armed your domestic garrisons with the same artillery. You have completely armed the whole of your field artillery with Armstrong guns; and for this current year of 1862-3, you have voted money which will produce nearly 2,500 more Armstrong guns, two-thirds of them of heavy calibre; altogether, giving you about 5,000 guns of that character. You have done more than that; you have at this moment military stores which,

both in number and effectiveness, exceed any collection of stores that this country has had for the last fifty years. My authority for this statement is one who long sat in this House, a great advocate of military expenditure, and a most distinguished member of the military profession. I believe I am right in saying, that from the siege train to the ambulances, England never was so profusely and effectively furnished as at this moment. Then, Sir, I say, that where we find that these armaments have been carried on so effectively and completely, and apparently so near to entire fulfilment, the conclusion we must arrive at is, that the time has come, and in the present condition of affairs we are compelled to ask whether it has come or not, when considerable reductions may be made in our military and naval expenditure without in the least impairing our home defences, or without in the least affecting the efficiency of those forces which protect our interests abroad. This is a condition of affairs, which, if it be as I have described it—and I have described it only from authentic and official information—certainly does hold out to the people of this country the means by which retrenchment—necessary and inevitable retrenchment—can be made with honour, with security, and with prudence.

But, then, I may be told that I forget, that although our armaments are complete, although the whole of our forces, to the amount of hundreds of thousands of men, are armed with the Enfield rifle, with enough in store to sustain and feed the various arms of our forces for ten years; although we shall have at the end of this year 5,000 Armstrong guns, two-thirds of heavy calibre; although all our garrisons abroad and nearly all at home, and all our field batteries, are supplied with these unrivalled weapons, yet a great change in the means and material by which ships are constructed has taken place, which renders, on the part of England, a great expenditure under this head necessary. Well, Sir, let us, if we can—and I think on a subject connected with our finances we can—let us examine this point with calmness. Now, I am not going to enter with the noble Lord into any controversy about the relative number of iron ships that England and France may possess. I think the time has not yet come when the naval powers of England and France are to be measured by iron ships. But I must say, since

the noble Lord will always thrust this view of the subject before the House, I have taken the best means I could to inform myself on the matter, and I believe the statement of the noble Lord to be a monstrous mystification. I believe the noble Lord counts an order for the construction of an iron ship as an actual ship. Now ships in France, whether of iron or of wood, are not begun as a matter of course when ordered. It is not as in England, where we build ships off hand. In France ships are ordered according to a programme in the bureau of the Minister of Marine; and when the order is given, it is executed at leisure—sometimes it is three or four years, sometimes even ten, before the construction of the ship is commenced. But let that pass. I admit, nay, I maintain, that there should be no question of rivalry between the navies of the two countries. Our navy should not be only equal to that of France, but greatly superior. It is a necessary condition of our geographical position and our political power that our navy should be as superior to the navy of France, as the army of France is superior to our own. But this I wish to impress on the House—that the utmost caution and consideration are necessary in reconstructing a navy with new materials; and in the case of these iron ships, we must not conclude too rashly and too rapidly, when any apparent novelty has been introduced, that it should instantly be recognised and adopted as the model and perfect exemplar that we always ought to follow. When these great changes occur, some caution and some temperateness of conduct are required;—and the noble Lord seems deeply conscious of the value of these virtues, because though the whole resources of the country have been at the command of the noble Lord since he held office, he has generally spent them in building wooden ships. If France had really that superiority which the noble Lord tells us she has—if she really has thirty-six iron ships while we have only twenty-five, more shame to the noble Lord, after the millions he has spent in ship-building during the last three years. [Viscount PALMERSTON: I never stated that France had thirty-six ships and we had only twenty-five. What I said was that she had thirty-six built and building.] The same distinction applies to both navies. But I have not done yet with the noble Lord on the subject of iron ships. If iron ships be wanted, let no false principle of

economy prevent our voting the money; but take care, first, that they are wanted; and take care, in the next place, that when the money is voted it is expended on iron ships. Now there was an extraordinary case only last session, when the noble Lord came down to the House and addressed it on this alarming subject—the iron navy of France. It was late in the Session and he succeeded in extorting from an appalled House of Commons a Supplementary Estimate of £250,000 for building iron ships. But it has so happened that not one shilling of this money has been employed by the Government in the construction of iron ships, but has been appropriated to an entirely different purpose. I do not think the noble Lord will deny that, and I say it is monstrous for a Minister to get up and make sensation speeches about the iron navy of France, obtain from a credulous and enthusiastic House of Commons large Votes to maintain the supremacy of England, and then to prorogue Parliament—as he will prorogue it again in a short time—and expend the resources of the country thus obtained for other objects and other purposes. The conclusion I have arrived at from these views—general views I admit, but founded on authentic facts—is that at this moment we are expending a large amount in our naval and military establishments, for purposes which are not necessary for the security of our shores, or for the protection of our interests and influence abroad.

Well, Sir, that being the state of the case, I have on more than one occasion called the attention of the House to this subject. It was the budget of the Chancellor of the Exchequer that allowed me to do this with any chance of success. Until the House became aware that we were really in an insolvent state, it was impossible to appeal to the House to consider the question of expenditure. The hon. Gentleman who opened the debate to-night (Mr. Stansfeld), and to whose Resolution I will in a few minutes advert, did not do me justice—not that I ever want anybody to do me justice—when he spoke of my taking up retrenchment for party purposes at a moment's notice. I beg leave to remind him that two years ago, when the noble Lord the Secretary of State (Earl Russell) came down to the House and informed us of the Treaty of Zurich, I, at once rising and congratulating the House upon peace being made, said, "Now is the time for the Government to counsel disarmament by

France, and for the general exercise of our influence for reduction on that subject;" and even last year, when the famous Vote of £250,000, the misappropriation of which I have just mentioned, was under consideration, I then said I could not comprehend why some steps should not be taken to put an end to that fatal rivalry of armaments between the two countries; and I said, "What is the use of our diplomatic agents—what is the use of our cordial alliance—if you cannot come to some sensible arrangement for the reduction of those forces, which are exhausting France, and which are embarrassing England?" Therefore the observation of the hon. Gentleman who introduced the Motion is unfounded, and only shows that his mind is of that rhetorical character which sometimes induces hon. Gentlemen to sacrifice to point in debate that attention to accurate details, which, on the whole, is the most valuable quality in a practical assembly. After the financial statement of the Chancellor of the Exchequer—after having myself brought the condition, I think the perilous condition, of our finances before the House—after the visit of the Chancellor of the Exchequer to Manchester, in which he himself did that which I am perfectly willing to admit he had before done in this House, called the attention of the country to "the unhealthy condition of the finances," I might as well have accepted the Chiltern Hundreds as have sat silent and stupid on this bench without making the remarks I did make, and without counselling a course which, although the noble Lord may try to get rid of it by Parliamentary menaces, or by some other stale hocus-pocus of faction, let me tell him can no more be ultimately evaded than we can evade that fate which awaits us all. Remember this, that financial embarrassment is not a subject to be got rid of by a Vote of the House of Commons. It is not like the question of the propriety or policy of an ancient institution. You may form a party in defence of an ancient institution; and if you have a majority of the country with you, you will be successful; but if you have only a minority, it may be long before you discover it, and before your opponents discover it, and a thousand things may occur to prevent a decision. But where there is financial embarrassment the results are certain, and comparatively speaking immediate, and a Minister may be a most

popular Minister—he may have a majority of 200 in this House; but if his policy is that two and two make five, the time will come when all his majorities will not be able to maintain him in his pride of place. I admit, that if there was any state of affairs of a very menacing character—if a general war were possible, if the principal countries of Europe were agitated and warlike—I admit that under such circumstances economical considerations, and even economical principles, must be discarded. But these considerations and principles are to regulate us in what I hope is still the natural condition of humanity—a state of peace. In the hour of exigency you must, no doubt, run great risks—you must do many bold and sometimes imprudent things, even in finance. But is there anything in the state of Europe at present that justifies, that calls for, that even intimates, the necessity of extravagant and extraordinary armaments? That is a question which, I think, ought to be answered.

Sir, I will now advert to the views of the hon. Gentleman who introduced the Motion. So far as I could follow him, his speech was a speech in favour of illimitable expenditure and national bankruptcy. There was not a country in Europe that was not pregnant with revolution and anarchy; and at last the hon. Gentleman treated the House with a grand dissolving view of cosmopolitan chaos which the noble Lord seemed to welcome with alacrity and glee, feeling that such a state of permanent disorder must give him an illimitable tenure of the office which he now fills. But I must take, I believe, a more practical, and certainly a more prosaic view, of the condition of Europe. I cannot throw my prophetic glance over slumbering Slavonic populations. I will leave for the moment even the unity of Italy to the care of the noble Lord. The noble Lord told me the other night that he had observed that no generous word of sympathy or approbation ever came from me in favour of the Italians. That cannot be said of the noble Lord. Words enough he has given to the Italians, but what more he has given them the Italians know best. If all the encouragement they have received, and all the assistance they have had in their hard fortunes, were those furnished by the noble Lord, I doubt very much whether they would occupy the position which they now hold. But I must recur to a more prosaic aspect of Europe,

• *Mr. Disraeli*

and I want to know what we find there to justify extravagant and extraordinary armaments? Europe is tranquil because Europe is exhausted. You have had 4,000,000 of armed men for fifteen years, more or less, in possession of Europe. And what is the consequence of the expenditure which such a state of things involves? Under ordinary circumstances one would rather avoid making any allusion to the pecuniary condition of other States. But we need have no delicacy in the present state of public affairs, because all the great Powers parade their embarrassment and exhaustion in the eyes of Europe. Where is Austrian finance? I refer you only to the statements of her own Ministers and her own budgets. Where is Russian finance? I will not pursue the picture, though I might say, what is the financial condition of even that Imperial France that is thrown in our face as a bugbear on all occasions? Why, 4,000,000 of armed men in Europe for fifteen years have exhausted and impoverished Europe. This is not a moment to be speculating on the revolutions of Sclavonic populations; but for England, of all countries in the world, to remember well that which has been the prime and chief source of her influence in Europe in old days, the consciousness in every State, in every Court of Europe, that if a struggle came, and England entered into it, it was not the first, nor the second, nor the third campaign that would daunt her; but proud in the elasticity of her resources and in the inexhaustible riches of her industry, and freedom, she could enter into a contest from which she would never swerve, and in which she would ever be the victor. Sir, these are times for economy—they are times for a scrutinizing revision of our expenditure, because we, from the state of our finances, are forced to consider the subject, and to face our condition, and because I believe that revision can be made with a view to retrenchment without in the least degree impairing or compromising, as the words of the Resolution have it, either our defences at home or our influence and interests abroad. Well, Sir, under these circumstances, who can be surprised that the condition of our expenditure should occupy the attention of Parliament? The noble Lord says to-night—it is the old story—“You ought to have interfered when the Estimates were before you.” It is a matter of no great importance, but I must be allowed to say that on

that subject the noble Lord is perfectly wrong. It is not when the Estimates are before us that the House of Commons has ever thought of interfering. Whenever the House has interfered, and with good effect, it so happens that all the Estimates had been passed. And the noble Lord ought to have known something about this, because he was a Member of the House of Commons in 1816, and must recollect the time when the income tax was repealed. That was not done in Committee of supply. The Estimates had been passed. It was in Committee of Ways and Means, after the Estimates had been passed that the House of Commons at once threw out £16,000,000 of taxes. And in more recent times, when the present Minister for Foreign Affairs was First Lord of the Treasury, and himself brought forward a budget in this House—when he proposed that the income tax should be raised to 12d., for example—the Supplies had already been voted, and it was in Committee of Ways and Means that the House told the noble Lord he should not have that additional 5d. to the income tax; and the noble Lord revised all his Estimates, and adapted them to the position in which the decision of the House had placed him. And therefore the routine lecture of the noble Lord, though it is of no great importance, is not correct. The Committee of Supply is not the right or the necessary occasion for the House to interfere. But it may be said, why did you not interfere in Committee of Ways and Means? It is not very easy to do so now in Committee of Ways and Means, when the privileges of the House of Commons have been so singularly and successfully vindicated that you have £22,000,000 of taxation brought before you in a single measure. Nothing certainly is more noble than our position, having vindicated our privileges against the House of Lords; but as to asserting our privileges in behalf of our constituents, I am afraid, in consequence of our triumph, the chances of that are very much diminished; and therefore I was of opinion, that as we had passed the Estimates, it was, on the whole, better to pass the Ways and Means. And the necessary consequence of that was, that the conduct of the Government has been condoned, so that we can bring no charge of unnecessary expenditure against the Government. But equally did I feel that when the condition of the finances

was revealed to us, and when we had no reason to believe that there was anything in our external relations to justify great expenditure, it was our inevitable duty to consider our financial position. I say, Sir, that nothing could have justified reserve on our part in this matter unless Her Majesty's Government had come forward and told us that the condition of Europe was one of so dangerous and critical a character that that expenditure was necessary. Her Majesty's Government did nothing of the kind. Her Majesty's Government are not bound to impart to Parliament the secret information on which their policy is framed. Nobody asks anything so unreasonable from Her Majesty's Government. But Her Majesty's Government are bound to do this—if they think the state of our foreign affairs to be serious and menacing, they are bound to convey that impression to Parliament, although they are not bound to state the grounds which have led them to arrive at that conclusion. But have they given us any such intimation? Nothing of the kind. I infer from my own observation, and, from the silence of the Government on the subject—when silence would be a crime—that the prospect of foreign affairs is not one that justifies such expenditure. The House knows, therefore, that it could not have been brought more naturally to the consideration of our expenditure than it has been by the events and circumstances of the last seven or eight weeks. And even if the Ministers are silent now—if they allow this discussion to be crushed—do you think the House can escape further discussion? What will the country say? You represent, many of you, the suffering districts, and there is no district in the country, if the present state of things continues, that will not suffer. And what will be the consequences of that suffering? You will read the consequences in the monthly returns of the Board of Trade; in every return of the monthly exports and imports, in every quarterly publication of the state of your revenue. These documents will be public. And if Parliament is sitting, do you think we can have a repetition of such documents and remain silent? Do you think it possible then that a Prime Minister should get up and say, "You who discuss the distress of the country express a want of confidence in the Ministry"—do you think that will be

tolerated by a suffering people? But what will happen if month after month the people are less employed, if your trade decreases more and more, if your revenue still continue to fall, and Parliament be still silent, and there is no means by which the apprehensions of the people can be expressed and explained? Will that keep even the noble Lord a popular Minister? The people will say, "We will go to those who proffer us advice; Parliament is silent—we will go to the platform; statesmen have deserted us—we will go to the agitator." This is what they will do. The right hon. Gentleman the Secretary of State (Sir G. Lewis) with too quick a sneer, thought he had detected me in some petty political manœuvre. I regret that a man in so eminent a position could not, in the present position of the country, elevate his mind and enlarge his vision a little more. I should like to see the countenance of the Secretary of State—I forget at this moment for what department—they change so often—but I should like to see his countenance, if we have to go through a long lugubrious autumn, followed by a dark and gloomy winter. Will your answer to an alarmed and suffering people be, that there has been a vote of confidence passed in the House of Commons, gained by a surprise, moved by the Prime Minister himself, and expressed in the queerest language man can conceive? In the course of the last few weeks I have on more than one occasion, brought our financial position before the House, and I have drawn from it the inevitable conclusion that a reduction of our expenditure was necessary. I have taken, as I think, a wise and proper position under these circumstances. I have shown that the House of Commons was estopped from founding any charge against Her Majesty's Government on these matters in consequence of its own conduct; but I have expressed my hope that under these circumstances Her Majesty's Government would take some step satisfactory to the House—and I now repeat that I think they ought to have done so. There were many Parliamentary courses which they might have pursued. They might have proposed the appointment of a Finance Committee—they might have proposed a Resolution themselves. It was clear that on the part of the House of Commons there should be the greatest forbearance, and nothing but extreme necessity could justify us in

asserting our opinion in the form of a Resolution. But suddenly up jumps the hon. Member for Halifax (Mr. Stansfeld) and places a Resolution on the paper which is to solve all difficulties. I have due respect for the hon. Member; but I never knew until to-night that the hon. Member was the great apostle of reduction and retrenchment. I have passed many hours here when the public money was being voted, and I have not remarked his frequent attendance. I cannot recall any word he ever uttered on the subject. But to-night he spoke with the indignation of a man whose monopoly of economical wisdom has been invaded—as if we were poachers on his financial manor. He is to secure the reduction and obtain the retrenchment desirable by stirring up a blazing war in every quarter of Europe. The Resolution of the hon. Gentleman declares, "That in the opinion of this House the national expenditure is capable of reduction without compromising the safety, the independence, or the legitimate influence of the country." The Resolution is only saved from the imputation of being an abstract Resolution by the absolute declaration that the expenditure of the country is capable of reduction. Why! cut down a gauger—that is reduction! and we find that if we do not take a certain course, the country will be compromised. What does that mean? We have heard of a lady being "compromised;" and have always been sorry for it: for my part I never believe these stories; but fancy this country, great and glorious England, being "compromised"! And the most extraordinary thing connected with this Resolution is, that it seems to be supposed a noble Friend of mine called his friends together to consider whether they should support it! It is a Resolution of little meaning, and that unsatisfactorily expressed. The Resolution is either an expression of want of confidence in the Minister, or a means by which we may actually obtain some retrenchment. I will consider it under both these heads. Placing a different interpretation upon it from that of the noble Lord—placing that interpretation upon it which ninety-nine men out of every hundred would do—I will consider it is an expression of want of confidence in the Government. Well, I think that no person has a right to bring forward a Resolution of want of confidence in any Government who is not prepared to stand by all the responsibility of such a proceeding.

Is the hon. Member for Halifax prepared to take all the responsibility of his Resolution, supposing it to turn out the Government? I have not yet heard that he is so prepared, and I am not prepared to vote a want of confidence in the Government, proposed by a Gentleman who will immediately shrink from the responsibility which, if successful, would devolve upon him. If I wished directly to express a want of confidence in the Government of the noble Lord, I should myself propose, or ask some Friend to assist me in that respect. If this Resolution, therefore, is one of want of confidence, it is one which I could not support. But if it does imply want of confidence, how far is it likely to lead to that administrative improvement and that reduction and retrenchment we desire? Why, it leads to nothing; it indicates no object—it expresses no purpose—it shadows forth no policy. Therefore I will say for it that it is hardly worthy the numerous Amendments which some how or other it has called forth. There is one by a noble Friend to which, I confess, at first I did not attach any idea. My noble Friend has since explained it to me, and, with that explanation, I think it partially deserves, under some circumstances, some consideration; because the first part of it expresses that "Her Majesty's Government are alone responsible to the House for the Supplies which they ask the House to grant." I understand that to refer to a theory prevalent some little time ago in this House, that Her Majesty's Government were not responsible for the sums they recommended to be voted. It refers to a mischievous error of the Chancellor of the Exchequer. But the Chancellor of the Exchequer has since appeared in his place in a white sheet, and the taper of penitence in his hand, and cried "*Peccavi.*" I am ready to accept his assurances that he shares in all the responsibility of the expenditure he proposes, and therefore, under the circumstances, I cannot see the necessity of the Amendment of the noble Lord the Member for Huntingdonshire. Then there is another Amendment, which in its time made considerable noise, although I understand we shall hear no more about it. But although it comes from an hon. Gentleman (Mr. Horsman)—than whom no one is more qualified to address the House and enforce his counsels, which he always does with

ability and eloquence—and although I will not contest on the part of the late Government that the expenditure which they recommended was perfectly justifiable, I must be allowed to say, that while our expenditure in 1859 was considerable, and we were prevented suggesting the ways and means to meet it by a remarkable incident which occurred in this House, yet, after we quitted office, it was increased by our successors. I therefore think any jury would fairly conclude that we were justified; but I do not solicit, however honoured and gratified I might be, the formal verdict of the House in that respect. I am not at all prepared to agree that the expenditure of the present Government has been justified. But, as I said the other night, what is the use of talking about the past? What we want to know is, what is to be done at present and for the future? In the prospect of continuous deficits how are we to make both ends meet? I have no comment to make on the Amendment of the hon Member who sits up aloft (Mr. D. Griffith). I will come, then, to the Amendment of the noble Lord (Viscount Palmerston), who, having on several occasions, expressed his opinion that there ought to be no Resolution whatever upon the subject, consistently concludes by proposing two Resolutions, and accompanies the proposal of those two Resolutions with the lamest and most unsatisfactory reasons to account for them; because it was perfectly open to the noble Lord to meet the Resolution of the hon. Member for Halifax and any succeeding Amendment which became a substantive Motion by the simple negative. It was not the least necessary for the noble Lord to bring forward any Resolutions; but if he did, he should, at least, have brought forward satisfactory ones. Are these Resolutions satisfactory? The noble Lord is deeply "impressed with the necessity of economy in every department of the State"—well, that is the first time I ever heard he was. He may talk of eating the leek, but I think that is a supper which may satisfy even an Opposition. Well, the noble Lord, being "deeply impressed with the necessity of economy in every department of the State, is at the same time mindful of its obligations to provide for the security of the country at home, and the protection of its interests abroad." I think it is more than an obligation; but let that pass. The noble Lord says, "This House ob-

serves with satisfaction the decrease which has already been effected in the national expenditure." Upon the principle that it is no use talking of what has passed, I was perfectly prepared to vote for that in the amended Resolution of the right hon. Gentleman the Member for the University of Cambridge (Mr. Walpole); but still, as we have got into criticism, I am bound to say to the House that there is not a word of truth in it. For reasons which I will give the House when the proper time comes, we would not, in the Amendment, disturb a single word of the Resolution of the noble Lord, which we could avoid altering, and we passed over expressions which many of my friends did not approve, and language to which I could not help objecting on the ground of veracity. Let us come to the Resolution of the noble Lord—"We observe with satisfaction the decrease which has already been effected in the national expenditure." The figures are very shortly stated, and they are very instructive. Our expenditure in 1860-1 was £72,521,825. I deduct from that expenditure some items, and I am sure the House will recognise their fairness. I deduct the China Vote, £3,043,000; a second China Vote, £1,111,920; and I deduct the Fortifications Vote, £578,387. The total of those deductions is £4,733,193, which being taken from £72,521,825 leaves the real expenditure, without those exceptional items, for that year at £67,788,632. Our expenditure for the year 1861-2, was £70,838,441. I deduct the China Vote, £1,230,000; the Trent affair, £900,000, which is the estimate of the Minister; and Fortifications, £158,185. The total deduction is £2,288,185, which being taken from £70,838,441 leaves the expenditure £68,550,256. So that the expenditure of 1860-1 was really £67,788,000, and the expenditure of 1861-2 £68,550,000. Then we come to the expenditure of 1862-3, which is the present year, in which these boasted reductions have been made. That expenditure is £69,000,293. I deduct £500,000 for China and £163,000 for Fortifications, and that leaves £68,337,293. Here is the comparative expenditure for the three years. In 1860-1 it was £67,788,632; in 1861-2 it was £68,550,256, and in the present year 1862-3 it is not £68,550,000, but it is £68,337,000. Therefore, I am glad to see there is £200,000 which will allow us to vote for this Resolution absolutely

with a clear conscience. The noble Lord says, "The House observes with satisfaction the decrease which has already been effected in the national expenditure;" but if that decrease be of the character which I have shown, I fear the House will view with little satisfaction the reduction of expenditure of which the noble Lord holds out the hope, and which is described in the following words:—"And trusts that such further diminution may be made therein as the future state of things may warrant." What is "the future state of things," and whoever heard of such language by a Minister of State? I can only account for this Resolution, that, like that unfortunate document, a Queen's Speech, it is the united composition of the whole Cabinet, and everybody has had a hand in it. I say seriously, that when the House is called upon to consider the finances of the country, and to take security as to their future state—when the Prime Minister himself acknowledges that it is necessary that the House should come to some Resolution, and that no less a personage than himself should propose it—I say that that Resolution ought to have some definite object, and be expressed in definite language. I do not say that it should be so precise as to tie down the Minister in detail; but, not treating the House like children, it should indicate some object and intimate some policy. The object that ought to be indicated is this—that in the present state of affairs, the first duty of the Minister is to make such reductions as shall equalize the charge and revenue of the country; and the policy intimated should be a diminution in that war taxation which, used in time of peace, is sapping and wasting our financial reserve—that financial reserve which is the surest source of our influence with foreign nations, and the best security for our prosperity at home. Under these circumstances, being forced to an opinion by the noble Lord who proposes this awkward and shambling vote of confidence in his own Government, we thought it desirable that the objects should be specifically indicated, and the policy intimated; and therefore a Resolution was proposed by my right hon. Friend the Member for the University of Cambridge (Mr. Walpole). But my right hon. Friend appears to have been appalled by the address made to him by the noble Lord. What are we to do under these circumstances? If our objects were such as the noble Lord

supposes—if we were really making an assault on the Treasury Bench—I do not suppose it would be quite impossible to find another commander who would lead us to the attack. But our object was only to assert a policy at a moment of great perplexity—a policy which we thought was temperate and practical, which we believe the House must ultimately adopt, and which we think public opinion will sanction and recognise, without supposing the noble Lord would choose to pervert an effort of that kind into a challenge for the Government of the country. I am not surprised that my right hon. Friend was shaken by the statement of the noble Lord, which did not appear to me, though loudly supported by those behind him, to be one which recommended itself to the perfect sense of propriety of the House generally, but which has, no doubt, produced considerable effect; because, if the noble Lord really means to say that an attempt on the part of the House of Commons to make his Resolution on finance intelligible, is an attempt to overthrow the Government, no doubt that gives an entirely new aspect to the proposal. If we had the intentions which the noble Lord imputes to us, I do not think I should have asked my right hon. Friend to have moved his Resolution; but it appeared to us that the Resolution on the expediency of which the House was universally decided ought to be one that should secure the good opinion of the country, or, at least, that respect which an intelligible purpose always commands. To-morrow, I believe, we shall all of us be engaged elsewhere. I dare say many gentlemen who take more interest than I do in that noble pastime will have their favourites, and I hope they will not be in the position in which I felt for the moment at my favourite bolting. If they are placed in that position, they will be better able to understand and sympathize with my feelings on this occasion. I was anxious that this Resolution should have been accepted by the House, and I confess I had some hope that the noble Lord would have taken it. With this Amendment, we should have had something to guide us. We should have had a policy temperately expressed, and only to be acted upon if the circumstances of the country justified it. I cannot doubt that had that Resolution been adopted—unanimously adopted by the House—you would have had next year on those benches a Government—no matter of

what materials formed (except in the case of the hon. Member for Halifax, when we might expect perpetual war)—a Government who would have submitted the expenditure of the country to a severe revision, with a view to that retrenchment which is perfectly consistent with the efficiency of the public service.

MR. P. W. MARTIN said, he trusted no one would suppose that he had the presumption to rise for the purpose of following and answering the able speech which they had just listened to from the right hon. Gentleman. He would not have risen but for one observation in the speech of his hon. Friend who seconded the original Resolution, and because he thought he had a few figures which had an important bearing on the question, and which were deserving of the serious consideration of the House. His hon. Friend had stated, that in his opinion it would be wise to strike off the Estimates 20,000 sailors and soldiers. But what would be the effect of this upon an average of years? Within the last six years, this very experiment of a reduction of 20,000 men had been tried, and he would show the House the results. At the end of the Crimean war we had 76,000 efficient seamen, whom we maintained at the cost for wages, necessaries, &c., of £2,602,000; and the report was, that the Government of the day intended to recommend that force at that cost to be maintained as the permanent defensive force of the country. But upon the return of peace, and with the income tax at 16d. in the pound, came a cry for reduction, and the next year after the peace the navy was reduced by 20,000 men. In the succeeding years there came the Indian mutiny, the misunderstanding with France upon the Conspiracy Bill, and the war between France and Austria in Italy, and at the end of these events we arrived at exactly the point from which we started, for in 1861, the same number of 76,000 men were voted for the navy as they were voted before the Crimean war. The men, however, who were dismissed at the end of the Crimean war, left with a feeling that injustice had been done to them; and what with bounties and other expenses necessarily incurred to get some of them back, we found that at the end of six years we had succeeded in maintaining 69,000 men, at the cost of £2,706,000, instead of maintaining a force of 76,000, in much greater efficiency, at the cost of £2,602,000. This result had been brought

about in endeavouring to carry out extravagant notions of economy. What security had the House that they would not have again to go through the same cycle if they were again to attempt the same inconsiderate reduction? How were they sure, that if they were now to strike 20,000 from the army and navy, the first cloud in the political horizon would not cause a panic, that they would not have to raise forces at a much increased expense, and that our *prestige* in Europe would not, in the mean time, suffer? Though, however, he did not agree in the policy of such a reduction in the number of men, he thought that there was a mode by which the House could effect an equal saving without sacrificing the efficiency of the services. Out of £27,500,000 only £15,500,000 was expended in paying and providing for officers and men, and in other things connected with them, whilst no less than £10,500,000 was expended on works and stores, and there remained £1,500,000, which he could not group under any one general head. They were expending upon warlike stores nearly as much as when they were burning powder by the ton before Sebastopol, and he believed they might save at least a million upon that Vote alone. He hoped, if the Government weathered the storm of that night, they would, during the recess, turn their attention to the reduction of this branch of expenditure; and in the full belief that the Government were sincere in their resolution, and that they would effect more in the way of reduction than any private Member, he would give his most cordial and hearty support to the Amendment of the noble Lord at the head of the Government.

MR. HORSMAN: Sir, the House has now before it the Resolution moved by the hon. Member for Halifax (Mr. Stansfeld), and the Amendment proposed by the noble Lord at the head of the Government. They are as dissimilar, both in character and in aim, as a Resolution and an Amendment can well be, and they are both well deserving of our serious consideration. There was another Amendment before the House, which I believe has now been withdrawn; and on that I will only say one word in passing as to the Parliamentary position of those by whom notice of it was given, and to what I alluded in the earlier part of the evening. The noble Lord understood me to construe that Amendment into a Vote of

distrust of the Government. I did not put that interpretation upon it; but, speaking as perfectly neutral between the noble Lord's Amendment and that of the right hon. Member for Cambridge University (Mr. Walpole), I said that if the noble Lord proposed an Amendment containing a paragraph which the Opposition construed into a Vote of approval, he must not be surprised if they, on the other side, met it by an Amendment which he might construe into a Vote of distrust. I did not give any opinion upon those Amendments; but as between the two I meant to say, that since the noble Lord assumed the aggressive by asking for an expression of approval, the counter Resolution, moved in self-defence, might be interpreted into an expression of distrust; and I must say it is unfortunate that, on any subject, any party or section of the House should be placed by the Minister in a position in which, while not wishing to disturb the Government, it is forced into resistance to him, and is threatened, as he threatened hon. Gentlemen opposite to-night, with what Earl Russell once called a "penal dissolution."

To make the question before us as clear as I can to the House, I must first deal with the Motion of the hon. Member for Halifax, and then turn to the noble Lord's Amendment. I entirely agree with what the noble Lord so well said as to the objection to proceeding in matters of practical legislation by abstract Resolutions. There was much force and wisdom in his remarks on this head. I am sure the experience of all the oldest Members of this House will bear me out when I say that abstract Resolutions are as easily used for insidious and mischievous objects as for any practical purpose. We know, Sir, that Governments are sometimes turned out by abstract Resolutions; but then the Ministries which succeed them carry this moral on their front—that, as they rose by such means, so by such means they are apt to fall; that those who agree to carry an abstract Resolution can often agree in nothing else; that such bickerings, heartburnings, and mutual reproaches break out among them that you find the rank and file in one encampment, and the commanders arrayed in another, and that each bombards the other with the very missiles originally devised for the destruction of the common enemy. The hon. Member for Halifax

placed the question before us in a speech exhibiting great earnestness and love of truth, and comprised within the simplest and shortest compass. He entirely confined himself to two main topics, the one taxation generally, the other our Naval and Military Estimates. On the question of taxation I will only say a few words in answer to my hon. Friend. I cannot at all admit that the people of this country, as compared with other populations, are heavily taxed. I hear some Gentlemen saying, "Look at how much the Englishman, the Frenchman, or the Austrian pays to the tax collector, and you will see that the Englishman has to contribute far more than the citizen of any other civilized State." But a great fallacy lurks in that comparison. A million of taxpayers in a rich country may pay more than two millions of taxpayers in a poor one, and yet be more lightly taxed. It is not the amount abstracted from a man's pocket, but the amount to be found there before and after that abstraction, which has to be considered. It is a comparison, not of payment, but of means. To argue that because a Frenchman may possibly pay but half the sum paid by an Englishman, therefore the former is only half as heavily taxed as the latter is illogical as it would be to argue that because the wealthy householder in Grosvenor Square pays twice as much as the poorer householder in Holborn, therefore the one is twice as heavily taxed as the other. That reasoning does not, I think, require further refutation. But the hon. Member for Halifax, and still more the hon. Member for Montrose (Mr. Baxter), went into the question of our naval and military Estimates. They gave us their facts and their history upon that subject, founding the whole of their conclusions, as usual, upon the assumption that all our increased expenditure proceeded from panic and delusion. [Mr. WHRRE: Hear, hear!] I am surprised that so deep a thinker as my hon. Friend near me, and so earnest and impartial an inquirer, should not have looked below the surface of things, and ascertained for himself how it is that an eminently practical and trading community like that of England, with which he is so familiar, should in 1853 have brought down their naval and military expenditure to so low a point, and should in 1862 have relapsed into war Estimates and high taxation. "Oh! it is all panic," says the hon. Member for Rochdale. "The Duke

of Wellington was the first panic-monger; Sir Charler Napier caught the infection—the officers of the army and navy are the men most easily made nervous; the country is always ready to go off in panic and at half-cock. It is all panic. The Duke of Wellington was an old croaker; Sir Charles Napier was an old croaker; the noble Viscount is a young croaker; the English people are a nation of croakers; and the only true men among us, whose vision is always clear, their heads always cool, their hearts always in the right place, are to be found seated round a tea-table in a certain hall in Lancashire." But any one who has observed for himself carefully and impartially the rise of what is called the war feeling in England, will have noticed that it has been the work, not of individuals, but of events; not of opinions, but of hard and dear-bought experience: and that the increase in our war Estimates has been forced—as the noble Lord well and truly said—upon successive Governments by the public voice, not instigated by vain fears or weak imaginings, but taught by a series of perils and calamities which exhibited the self-styled lovers of peace and the fanciful simulators of panic in their true character before the world as the falsest of prophets, the most one-sided of economists, and the blindest of all possible guides. Let me test the facts and the history which the Mover and Seconder of this Resolution have cited to-night. Judging from their speeches, we gather what they think the happiest and most desirable state of things for England. They would have an economical Parliament under the guidance of a peace-loving Minister, who would dispense with our armaments and reduce our expenditure to the lowest possible point. That would, in their eyes, render the lot of this country an enviable one, insuring her the unbroken enjoyment of peace, safety, and prosperity. Well, but in 1853—that model year to which my hon. Friend the Member for Halifax referred so affectionately and so regretfully—you had a combination of all those political and financial blessings. You had a low expenditure, you had discarded armaments, you had an economical House of Commons and a war-dreading Cabinet. And what did all these advantages do for you? Why, they "drifted" you into a Crimean war—that war which, with all its calamities and sacrifices, the Emperor of Russia would have spared you if this nation had

only had an armament, or the Cabinet a policy. It is well known that the Emperor Nicholas was deluded into embarking in that contest by an exaggerated idea of the influence of the peace party in England. That party had been strong enough, he thought, to compel us to a pernicious reduction of our establishments. They would be strong enough, he thought, to prevent us from again increasing those establishments in order to make an effort to save Turkey. He believed that he would have impunity for his aggressions, because he had friends and allies both in our Cabinet and out of it who would keep England's hands tied while he devoted his attentions to the sick man. Well, Sir, he was lamentably deceived. That magnificent army which it had been the pride of his life to train and perfect left half-a-million corpses strewing the battlefield or the line of march. The Czar himself was the last and greatest victim of that war, which cost England more in a few weeks to restore her forces to efficiency than she had saved by the mis-called economy of years. The nation was deeply moved by the "horrible and heartrending" tale of the sufferings of our brave troops, and this House itself rose against the Minister, and censured and ejected him from office by a majority of more than two to one. That was the first great service rendered to the country by the mischievous counsels of the advocates of economy at all hazards and peace at any price. It was also, Sir, the first great lesson taught to the English people. But, unfortunately, that lesson was soon forgotten. Peace came in 1856, and again there was a great reduction in our armaments, and so far did the reaction proceed, that our navy was lowered to a point never before known since England became a great naval Power. We lost the command of the sea. We had not even a Channel fleet. While France towered in all the naval and military efficiency of the Crimean war, we paid off our ships and left our shores defenceless. While we were in this denuded state, an attempt was made upon the life of the Emperor of the French in consequence of a conspiracy which was hatched in England. The French nation—the people, the press, the Ministers, and the army—all chose to make England responsible, and the Minister of England was required at the sword's point to change our whole law of conspiracy. In an evil hour the Minister consented;

and the nation, again indignant, rose and drove him a second time from power. By what political party in the country was the censure directed which at that time fell on the noble Lord's head? The Resolution was moved and seconded by two of the most eminent Members of the Manchester and Peace party in this House, the Members for Birmingham and Ashton; and our economical Chancellor of the Exchequer was the most eloquent exponent of the national dissatisfaction with the Minister who had not shown a bolder front to France, when our economy had left him no front to show. I am about to impart to the House a suspicion, by which I hope the noble Lord the First Minister will not be offended. I have the strongest suspicion that the meek, lowly, and Christian spirit which the noble Lord exhibited on that occasion was the result, not of the study of any book of homilies or sermons, but of a careful examination of the army and navy returns; and I believe that if, when the noble Lord received that Imperial mandate from France, our armaments had been in the state in which they were when the outrage on board the *Trent* occurred, he would not have allowed his opponents in this House or elsewhere to have placarded him through the country as the only man among us destitute of the pride and spirit of an Englishman. That was the second severe lesson taught to the English nation. The Crimean war with its disasters cost us one Ministry; the Conspiracy Bill with its humiliations cost us another. On both occasions the nation was the victim of misnamed and clap-trap economy; on both occasions it discovered its mistake when it was too late, and revenged itself on the executive Government. The noble Lord went out, and Lord Derby came in: and this brings me to a date which is a marked one in the history of our expenditure—that of the year 1858. When Lord Derby succeeded to office, he found our Estimates at a lower point than they had before reached since the Crimean war; and it is a rather singular and certainly not an uninstructive coincidence, that when the economists have brought down our expenditure to the lowest point, their success is always signalized by a war or a crisis. The Government of Lord Derby largely increased these Estimates. They took credit to themselves for so doing; they gained credit for it. That credit was

cheerfully given to them from this side of the House, and I think they will admit from no quarter more frequently and more readily than from the occupants of the Treasury Bench. That Government went out before the war feeling was raised in England; and I must say that the credit of raising that war feeling, of which we have heard so much, in all its intensity, is entirely due to their successors in office, and to the steps so effectively taken by the present Government to alarm and terrify all classes in the country. I am now coming to a period in which there was something which my hon. Friend behind me (Mr. Cobden) may well and truly term a panic, and I am sure that he will not take it amiss if I tell him that I believe he was the sole cause, and I am sure he will not misunderstand the spirit in which I speak when I say that I think he was a not inadequate cause of it. The year 1860 opened to find Europe alarmed at the aggressive policy of France; and the English Government selected that special moment to convey to Europe a proof—a new and striking proof—of its confidence in the peaceful policy and the honourable designs of that country. They did so by sending a plenipotentiary to Paris to conclude, under the form and title of a commercial treaty, what was, in fact, a public manifestation to Europe, not only of amity and confidence, but of a complete understanding and agreement on the policy to be pursued with regard to the international questions which were then open in Europe. The plenipotentiary selected for that mission was, I need not tell the House, a man of the highest character and most unquestioned ability, of great singleness of purpose, of the purest aims, and much and deservedly esteemed by his countrymen for the services which he had rendered to them; but he will not be offended by my saying in his presence that he had two very striking and opposite peculiarities, which showed at once the earnestness and the simplicity of his character. He worshipped peace with so intense a worship as apparently to believe that all the world might be brought under its dominion; and, combined with his love of peace, he displayed an admiration amounting almost to devotion to the great military ruler of France who had maintained greater armies, set more armies in motion, desolated more hearths and homes, and done more to wring the hearts and revolt the principles

of true lovers of peace than any man who has lived since the days of the First Napoleon. It soon appeared that my hon. Friend, impelled by the sincerity of his character, not confining himself to his commercial mission, took upon himself to enlighten his countrymen upon the character and policy of the Emperor of France, whom he described as an ally much misunderstood, and occasionally maligned, by the English nation. Now, Sir, when the public saw that it was not the commercial intercourse between the two countries, but their foreign policy, which he was aiming to guide; when they remembered that he was the chief of a political party whose views of foreign policy were, to say the least of them, distasteful to the English nation; and when they also observed that that party had recently acquired such an ascendancy in affairs, that, to use their own terms, they had been doing a roaring business in reform, in finance, and now in foreign policy, the public of England began to grow uneasy; and when in addition to that, before the treaty was ratified, there came the perpetration of that act of mingled deception and audacity, the seizure of Savoy, showing how the English Cabinet had been used as the tools of France to dupe and deceive their own Parliament; and also when it was found that that act, if not entirely extenuated, was made very light of by some of the Friends of our Plenipotentiary in Parliament, then the public mind in England did become excited and alarmed. It felt then that there was danger. It felt that it could not sit easy under a Government that was advised from the Tuilleries by the Member for Rochdale—and was coerced in Downing Street by his Chancellor of the Exchequer. Then there was something approaching to a panic; but it was not fear of what might be done by English enemies abroad—it was fear of what might be done by foreign auxiliaries at home; and then there up-sprung those voluntary associations for home defence which were nothing but manifestations of the deep conviction of the country that the Government was under the mischievous ascendancy of anti-English hallucinations that might lead to degradation and disgrace. It was in vain that my hon. Friend or any of his Friends endeavoured, by their publication of the pacific assurances of the Emperor, to stem the storm. The feeling of the country was not to be

mistaken. It was in that state of panic which he has himself described, and everything that he wrote and said during that panic was interpreted by contraries. He was, in the excitement of the public, held to have fallen into the toils of the master of a craft which was not known in his vocabulary. He was believed by them to be turned and twisted and moulded like wax, to be played on like an instrument, by his Imperial captivator and enslaver. That feeling of the country was deep and irremovable. The more he negotiated, the more they armed; the more he spoke of tariffs, the more they bought rifles; the more he exalted the Emperor, the more they set up targets; the louder he preached, the more they practised, until an army of Volunteers, enrolled as if by magic, started into life, making it known to Europe that the people of England, emancipated from the credulities, of their plenipotentiary, and from the forced subserviency of a necessitous Government, had taken the safety and honour of England under their own protection. That Volunteer movement, which was one of the most remarkable events of our time, was nothing but a great national Vote of distrust in the Executive. It was a loud, general, and solemn protest against the ascendancy of the Peace Party in our councils. It was a rebuke to the Cabinet. It was an unmistakable warning to its chief that there was a feeling in England which had already, on two occasions, called two Ministers to account, and which would possibly make a more serious example of the third, if the safety and the honour of England should again be made subservient to the exigencies of party politics. There were three great occasions on which the apprehensions of England had been excited and the experience of insufficient preparation had been deeply felt. These were the Crimean War; the Conspiracy Bill; and, thirdly, the seizure of Savoy under the accommodating cloak of a commercial treaty. The seizure of Savoy was a very costly affair for all the parties concerned. It was costly to Sardinia, for it despoiled her of her ancient territory; and the deception, dissimulation, and fraud towards Europe which characterized that proceeding cast a stain not easy to be removed on the memory of Cavour. It was more costly to France. The Emperor of France,

when he invaded Italy, had, if he were sincere, a great work before him. Europe would have forgiven the illegality of the first invasion in consideration of his sincerity and success in giving new life to Italy, in striking the chains off that noble victim, raising her to a place in the sisterhood of nations, and bidding her go forth free, strong, progressive, and self-reliant, with a new future before her. He would have gained the gratitude of Italy, the respect of Europe, and would have contributed to the true greatness and glory of France in a manner that would have rallied a moral power round him to strengthen his throne and perpetuate his dynasty. But he missed his chance. He preferred the short-sighted gratification of a selfish but worthless aggrandisement, and now after ten years he still reigns; but he has achieved no greatness, and made no friends. He still reigns, the accidental monarch of the day, who has made no provision for the future. And it was costly to England. The annexation of Savoy led to the rupture of the alliance with France, and compelled us to take up a position of antagonism, and invest in the munitions of war in order that we might go into council with France as an equal Power, or that we might go into joint action with France as a controlling or corrective Power. This is the history of the rise and progress of the war feeling and of the increase in our war expenditure. It was a feeling not arising from any suddenness on the part of England — it was gradual, it was forced on us by events; it was not indicative of anything like precipitancy, or haste, or heedless alarm on the part of England; it was not insensibility to war, it was not indifference to taxation; but it was the spectacle of a peace-loving and Christian people rousing itself in a peace-preserving and business-like and Christian spirit for the security of all that was dear to it at home, and for the protection of all that was valuable abroad. I should like the House for a moment to consider what has been practically the effect of the changed relations of England with some of the Powers of Europe; and, first, in regard to her policy in Italy. Nobody can say it would be easy to exaggerate the difficulties of the English Government—both the present and the late —since the outbreak of hostilities in Italy. From the day when to the Austrian Ambassador was given the first indication of that war which had been agreed upon

secretly, though publicly denied, by Sardinia and France, it was impossible not to feel that the functions of the British Minister were full of unusual difficulty and responsibility. The first invasion of Italy by France was such a manifest infraction of international law that the other Governments of Europe were bound to discountenance it. The late Government, in the discharge of that duty, incurred an imputation—which at the time I thought was undeserved—of sympathizing with Austria. But as events arose from that aggression and went on to develop themselves, the position of the English Ministry became daily more difficult, and occasionally even critical. The Convention of Villafranca was followed by what quickly assumed the appearance less of a treaty than a truce, and the combatants retired not to lay aside their arms, but to arm themselves afresh for a more deadly encounter. The determination of Sardinia to win the Venetian provinces by the sword being avowed, and secret counsels, to be followed at the proper moment by open assistance on the part of France, being more than suspected, Austria, indignant and alarmed, armed to the teeth, and could scarcely be kept from precipitating the hostilities which she believed to be inevitable. It was between these three armed and conflicting Powers, two of them with ulterior objects leading them to become aggressive, that the British Minister had to mediate. He had three main objects to keep in view—first, to secure to the Italians the right of choosing the form of Government they desired; secondly, he had to make sure that this should not be accomplished at the price of any fresh acquisition of territory by France; thirdly, he had to preserve the peace of Europe. Down to the beginning of 1860 the British Government failed most deplorably in all these objects, because up to that time they had no mind, or will, or policy of their own; but followed helplessly the bidding of France. But, from the day in the month of March, 1860, when the Foreign Secretary, speaking in his place in this House, expressed his opinion that the aggression on Savoy was only the first of a series, and when amid the plaudits of this House he announced the fact that the exclusive alliance with France was at an end, from that moment the foreign policy of England assumed a new character. It was avowed then that the policy of France in Italy was a selfish and crooked one, and that

the whole of his proceedings showed, in a manner not to be mistaken, that the Emperor had no intention to let go his hold on Italy; but was promoting confusion there in furtherance of his anti-Italian designs. That imposed a corresponding obligation on the British Government, and I must say they appear to have addressed themselves to it in a right and becoming spirit. They had been no parties to the original war of aggression that had torn Italy from the grasp of Austria; but they did feel under a strong compulsion to save Italy from the gripe of France. The despatches of the Foreign Secretary from that day breathe a new spirit, and the addresses of his colleagues in this House speak a new language. The noble Earl the Secretary of State from that moment was at no pains to dissemble his distrust of France; he stated in plain words that he would not believe that peace was intended merely because professions were made; and on every one of the questionable proceedings of France—the increase of the French army at Rome, the action of the fleet before Gaeta, the rumoured annexation of Sardinia—on every one of these, explanations were promptly demanded and objections boldly and manfully expressed. And although many of the truths told in those despatches it must not have been altogether palatable to hear, so far from the relations of the two countries being imperilled by that honest and manly course, the result showed, that if the two Governments were to remain on friendly terms, it could only be, as the noble Lord said the other night, by acting as if they were equals. It is said that the aid which England has given to Italy has been solely that of "moral power." That is so far true; but it was moral power supported by material guarantees for its efficiency. I believe the moral power of England has been for the last few months greater on the Continent than it has been since the peace of 1815, solely because our material strength has been greater. It was thus that we were enabled to shame France by our example into a recognition of the now kingdom of Italy; and it was thus that we were enabled to hold fast to the tribunal of public opinion one who has been the despoiler, and would otherwise be now the Dictator of Italy. At that tribunal, more powerful in the present day than fleets and armies, we have compelled him to vindicate the policy and morality of his acts; and we have left him the

choice whether he would respect public opinion or defy it. This, I believe, is a true description of the moral influence exerted by England—a power multiplied indefinitely by the strength of armaments. Without armaments it is cant and a fiction. We are now told, and we are encouraged still more to believe from the tone of the noble Lord to-night, that this question of Italy, in which Englishmen take so honourable an interest, is approaching a settlement. I hope that may be so, and that a settlement will take place in the manner we all wish—just to Italy, and honourable at the eleventh hour to France. If the correspondence yet to be produced is in keeping with the last despatches presented and the last speeches made by Ministers in this House, I think when that settlement has taken place we shall only be too ready to express to the Government our tribute of admiration for the consistency they have displayed, and our congratulations on the entire success of their policy; and of the Chancellor of the Exchequer, with whom on financial questions it has often been my misfortune to differ, I must say, that if the settlement of Italy does take place in the manner that is to be desired, he may look back to the share that he has taken in that great and good work with a feeling that will support him under many financial trials and difficulties, even if they should be crowned with a vote looked forward to with such dreadful anticipations as that of to-night. The time will soon come when the financial controversies of this Government will be forgotten, and when the question of deficit and surplus will cease to interest; but I do not think the time ever will come when the Italians will forget that in their hour of darkness he was the first voice among European statesmen that sent forth her cry of wrong to Europe; and more lately, when light and hope dawned upon them, he was still found among the foremost of their friends—no heart throbbing more warmly, no tongue pleading more eloquently than his, to combine the freedom and happiness of Italy with new guarantees for the peace of Europe. But now let me ask, is it only in Italy that our armaments have given vigour to our councils and peace to the country? When we were lately threatened with serious differences in America, we all know how Europe was stunned and how America was elated—we all know how one hasty action or faltering word

would have been fatal to the successful termination we all desired. No one can doubt, when our Ministers met in Council on that anxious occasion, what was the first question in every mind and on every lip. No one can doubt that the noble Lord had a feeling of the deepest thankfulness that our armaments were not in the same state as they were in 1858. Was not that feeling of thankfulness universal? And what was the result? Have we not all now a common interest and pride in acknowledging, that tracing the proceedings of our Government at that time step by step, whether we consider the determination, they at once took, or their prompt action, the explicit terms of their demand, or the instructions given to Lord Lyons, accompanied as all these were by the simultaneous despatch of reinforcements to Canada, there was exhibited on the part of England a combination of courage, sagacity, and success as complete in itself, as satisfactory to the country, and as honourable to Ministers as anything that has occurred in the recent history of the country? But where would all this have been if we had not had our armaments—if we had been in the condition my hon. Friend behind me now desires? And do you not think that the determination of the Washington Cabinet was influenced by the question whether England was in weakness or in strength? And what would six months of war with America have cost us? Our armaments saved us from that war, which would have cost us ten times more than would have been saved by a penurious policy—to say nothing of that far more fearful loss of friends and kindred which would have given desolation and sorrow to what are now peaceful and happy homes. Let us then for a moment cast up the account—the Crimean War, which was brought on by the low condition of our armaments, besides a high current expenditure, left an increase of £40,000,000 to our debt; the American War, if we had fallen into it, would have cost us—what I cannot pretend to compute, but I will let any hon. Gentleman place it at as moderate a figure as he pleases. Well, we have done something to preserve the peace of Europe and establish a new kingdom of Italy—suppose the cost £20,000,000 more—is that all loss? Even a new commercial Italy, especially if she have a free tariff, will give us some interest for our money. Looking at the question merely as traders, not as politicians, there is not

a speculator in Europe who will not tell us that we have been receiving cent per cent for the additional armaments of the last few years. But I do not think the House ought to consent to degrade this question into one of mere money transaction. I hold that the name and influence of England, as a moderating and tranquilizing Power in Europe, is not to be valued by pounds, shillings, and pence. Nations, as much as individuals, do live for a higher interest; and England must make some sacrifice for great ends proportioned to the policy she holds and the power she wields. The noble Lord speaks of our extended commerce: we are proud of our free institutions, proud of our naval and military renown, not merely for the advantages they bring, but also for the blessings they enable us to impart; and it is this vast amount of universal sympathy that rallies around us, links us everywhere with material interests and moral progress, that makes England so great as the palladium of freedom and the surest friend of the distressed. I say, if it were not £3,000,000 but £30,000,000, or if it had been a multiplication of that, the sum would have been small, which would have enabled England to fulfil the mission which in these days has devolved upon her, as the instrument of Providence for disseminating the holy doctrines of peace, the civilizing influence of commerce, of enlightened Christianity, and of elevating and ennobling freedom.

Sir, I have gone through the history of the past, because it was suggested by the terms of the noble Lord's Amendment, and it is only by reference to the past, by appreciating clearly the circumstances which have already occurred, and the position in which we now stand, that we can judge of the Amendment proposed and the policy it indicates. The hon. Member for Halifax has said to us—Your armaments are too costly, your expenditure ruinous; I challenge you, the Government, in the face of the whole world, to maintain that policy I impugn, and I move a Resolution in order to bring that question fairly before the House. The noble Lord does not find it convenient to meet that challenge: he does not find it convenient to allow the House to meet it—but he adopts a proceeding perfectly unprecedented in our Parliamentary history. He himself, the Prime Minister, not reserving himself for debate, steps forward and undertakes that task which usually devolves on a sup-

porter of the Government—moves the Amendment. Now, what does this novel proceeding indicate? It proves two things well deserving the attention of the House. It proves, first, the great importance which Government attaches to evading the issue raised by the hon. Member for Halifax; and, secondly, that there was something in the character of that Amendment that required the profound skill and unrivalled ability of the Prime Minister to disguise its character and make it palatable to the House. I ask the House to look at the Amendment. It consists of two parts of a very opposite character, and betrays two separate hands. First, says the noble Lord, we are "mindful of the obligation to provide for the security of the country at home, and the protection of its interests abroad"—that part of the Amendment belongs to the noble Lord. Then it speaks of retrenchment and the necessity of economy in every department of the State—and there, I think, I trace the handywork of the Chancellor of the Exchequer. In fact, the Amendment indicates two minds and two policies at work. There is the mind of the Minister who would have averted the Crimean war by making it a *casus belli* when the first Russian soldier crossed the Pruth; and there is the mind of that Minister who was supposed averse to that war, not very liberal in his supplies during the war, and who, in the opinion of many, has not done much to improve our finances, and would now leave us imperfectly defended. I wish the House to fix its eye on this Amendment, because here I say you have a confession as plain, a proclamation as loud as words can make it, that we have again fallen into the danger of divided councils, under a Cabinet that on this vital question of defences has again no policy, no principle, no conscience, which is again drifting us into the half-hearted system of shifts and compromises, which, as in the case of the Crimean war, is weakening at home and damaging and discrediting abroad. I wish again particularly to show the manner in which the noble Lord deals with both sides of the House in this Amendment. I hear Gentlemen sitting around me very frequently say that the noble Lord at the head of the Government retains his position by persuading one half of the House that he is a Conservative and the other half that he is a Liberal; and so he is retained as a convenience by both, without being trusted as a politician by either.

Now, I think that is a very unkind way of putting it. I would rather say that his great experience has given him an instinctive perception of what is really Conservative and what is truly Liberal; and being a man without prejudice, he decides impartially between them, and always adjudicates in favour of the right side at the right moment. But in this Amendment the noble Lord dictates to both sides, and that in a way to make both sides look very foolish. "We will retain our armaments," says the noble Lord—that is a compliment to the Conservative side [“No, no!”]—"but we will reduce our expenditure"—that is a sop to the Gentlemen below the gangway. To be sure the expenditure is not reduced precisely in the department they desire, because the first part of the Amendment, in order to be made acceptable to the hon. Gentleman on the other side of the House, is a direct negation of the Resolution of the hon. Member for Halifax; but the noble Lord knows how readily the Gentlemen below the gangway will accept the second part, when their own Resolution is defeated. Perhaps the noble Lord framed his Amendment with the knowledge that it would have this effect. They come here with a Resolution condemnatory of the war expenditure. The Government meet them with a form of Resolution which preserves the war expenditure, but in which they are told that there is to be a reduction, not in the department of war, but, what will amount to the same thing, in the department of peace. I do not know whether the hon. Member for Halifax will be gratified by the result; but, after this debate, he will be too much instructed ever to propose an abstract Resolution again in the presence of the noble Lord. Having disposed of the Resolution of the hon. Member for Halifax, how does the noble Lord treat the Amendment of the right hon. Gentleman opposite? He says, "We will give you the defences, but you must approve the financial administration of my Government." [“No, no!”] As I understand it, this is the proposal of the noble Lord—"You shall have your system of defence, but it is on the understanding that your leader, the right hon. Gentleman the Member for Buckinghamshire"—[“No, no!”] That is the proposal which, with a grave face, is submitted to the right hon. Gentleman the Member for Buckinghamshire. The Amendment may be affirmed by the

House. I myself will not go into the question to which I think we are invited—how far any portion of that Resolution, by speaking of the satisfaction with which we view the financial management of the Government, and the confidence with which we look to the future, may be consistent with the opinions which we have often heard expressed in this House. I would rather not on this occasion go into any review of the financial policy of the last few years; but I can only say that upon an occasion like this, when a challenge has been given to the Government by the hon. Member for Halifax to justify their naval and military expenditure, I think it is not the right way to meet that challenge by entirely evading it, and making it an occasion for a certain show of tactics and dexterity, by which the economists on one part of the House will accept a Resolution which does not affirm a reduction of expenditure in the sense they understand it, but which does affirm an approval of the present military expenditure; while Gentlemen on the other side of the House also accept that Resolution which confirms the armaments which are now kept up, but which, with regard to the general financial condition of the country, every one must admit is extremely vague and unsatisfactory. I must confess that for myself I would rather the issue that has been raised by the hon. Member for Halifax had been more directly met. I think it would have been more satisfactory to the country and the House, and more in keeping with the recent policy which we have pursued and the great interests connected with the question which we now know to be one of the most interesting of the day.

**MR. COBDEN:** Sir, it was my intention to have moved the adjournment of this debate. I came down to the House expecting that there would have been a lengthened discussion on the question of our finances, to which the House generally would have listened. I am not able to speak at length on the general question that has been discussed to-night; but as I think from the turn the debate has taken that the House will not be disposed to adjourn the discussion, I am induced to offer one or two remarks simply in consequence of the very friendly and affectionate appeal made to me by my right hon. Friend, who has just sat down (Mr. Horsman). I remember once hearing the

late Mr. Shiel, in a brilliant and pointed sentence, describe my right hon. Friend—I speak from memory—but Mr. Shiel described him as possessing faculties which peculiarly qualified him to be the exponent of dissatisfaction and the faithful mirror of discontent. I think that was spoken in 1849, and I can vouch for it that my right hon. Friend has preserved that character to the present day. [“No, no!”] There is an expression of dissent. Possibly the statement might be qualified. I will not say the right hon. Gentleman is always the exponent of dissatisfaction and the mirror of discontent; for he has this other remarkable quality, that he sometimes does express himself satisfied and contented, but it is with a state of things with which all the rest of the world has become dissatisfied and discontented. Now, I think if there is any one assertion that I could make with little fear of being contradicted, it is that all rational men who examine facts before they give an opinion—who reason instead of declaiming—who talk sense instead of rhapsody—I say all men who answer to that description have, I think, now arrived at the conclusion that we ought to be engaged in something else besides declamatory exultation upon the amount of money we can spend. Is there anybody in this House except the right hon. Gentleman who thinks that if we spend £30,000,000 multiplied—he does not say whether by itself or by how much—that if we spend £30,000,000 or £100,000,000 sterling, we shall have it back again to the markets for our manufacture and industry? Is there anybody but the right hon. Gentleman who at the present moment thinks that the state of our finances and the prospects of our country are such that they should be dealt with in the rhapsodical fashion by which we have just been entertained? I remember hearing the right hon. Gentleman speak in this House—it was the last time but one that I had an opportunity of speaking here, though now three years ago—I remember hearing him deliver a speech in 1859 in favour of fortifications. He spoke for an hour, with remarkable eloquence; but there was not one statement of fact in all his speech, with this exception—he stated that France had a number of iron-clad vessels, and had possession of the Channel. That was in June, 1859. Well, I visited Toulon six months afterwards, and the only iron-clad ship France was building was then

but half finished and was not launched till the August following—more than twelve months after the right hon. Gentleman had told us that France had iron-cased vessels in the Channel. On that occasion the right hon. Gentleman was threatening us with invasion. He was not talking about Savoy or about French treaties, but an invasion. The right hon. Gentleman now goes back and sketches all the events that have taken place since that time; but he does not say a word in explanation of the failure of his predictions about this pretended invasion. Now, I regret that the right hon. Gentleman, who I am happy to be permitted to call my Friend, after thirty years in this House, and with undoubted ability—that he, while engaging our attention for an hour with great power, gives us not one fact or argument. His speeches are pleasant episodes. As parentheses in our debates they are perfect—but the question before the House is a very simple one—it is one of expenditure, and the possible reduction of it. We have certainly not heard much upon that subject from the right hon. Gentleman. But does anyone suppose that the interest taken in this House—the interest that is taken in that lobby with respect to this subject—arises from any care about the state of parties in this House? The interest that is taken in this question of economy now arises from nothing in the world but the impending state of difficulty and trial that is coming upon the country. I have no hesitation, after twenty-one years' experience in this House, in saying that if we had continued as prosperous now as we were two years ago, we should have had no difficulty about fortifications and armaments; we should have gone on, and perhaps our expenditure might have risen to £75,000,000. But now every one feels that there is a great calamity pending over our prospects. It has been hanging over us for some time, and we have hardly dared to face it. We cannot even now face the whole amount and magnitude of the difficulty that may be impending over us, except something averts it—though no one I have met knows how that is to be accomplished. There is a great gulf yawning which none of us has the courage to look into or fathom. That being the case, and seeing that every man in the country engaged in active pursuits is obliged to begin to put his house in order and review his expenditure, and to make fresh calculations for the future, this

House, responding to the feeling of the country, is, or should be, engaged in the same occupations. It is this that has given an interest to this discussion. Does anybody suppose, that in the present state of the country the existing expenditure of the Government can be maintained? Nobody expects it, for this reason—revenue will not be forthcoming, and reduction will therefore be inevitable. Would it not be more rational and more becoming, that, as a great and intelligent nation, we should make a reduction of expenditure as a part of our policy, and in consequence of a well-defined and understood plan, than that we should be forced into retrenchment merely by the exigencies of our finance? Now, the right hon. Gentleman has talked a great deal about the power which England exercises in consequence of her being always fully armed. But I have ever understood that money was the sinew of war, and that to be well armed was to be well fortified in your finances. I do not think the strength of a nation depends upon armaments so much as upon its resources. I deny the doctrine of the right hon. Gentleman that it is necessary, in order to impress your policy or impress your counsel upon the rest of the world, that you should always present yourselves in the attitude of armed men. Look what is now going on beyond the Atlantic. Everybody has complained that America was very overbearing in her foreign policy. Very well; but bear in mind America was never armed. She had but 14,000 or 15,000 soldiers; she never would have a fleet; she has not had a line-of-battle ship in commission for the last ten years—certainly not more than one. If, then, America played the bully without arms, what was it that impressed her will upon the rest of the world? Undoubtedly, it was that you gave her credit for having vast resources behind her, which were not unnecessarily displayed in a state of armed defiance. Well, what has been the result of the present deplorable war in America? You have seen that country manifesting a power such as I have no hesitation in saying no nation of the same population ever manifested in the same time. No country in Europe, possessing 20,000,000 of people, could put forth the might, could show the resources in men, money, and equipments, that the Federal States of America have done during the last twelve months. Taking the whole country together, about 30,000,000 of

people have kept nearly 1,000,000 of men in arms; and they have, upon the whole, been equipped and supplied as no other army ever was before. Why was that? Simply because the Americans had not exhausted themselves previously by high taxation. They were a prosperous people. Their wages and profits were high, because their taxation was low; and as they were earning twice as much as the people of Europe earned when the war broke out, they had only to restrict themselves to one-half of their usual enjoyments, and they found means of carrying on the war. That, I think, is a doctrine that applies to us as well as to the Americans, and I deny the doctrine of my right hon. Friend below me that a nation increases its power, and is better prepared for carrying on war, because it always maintains a large war establishment in time of peace. I have frequently, in speaking on this subject, alluded to the relations of this country with France. I say it is an anomaly, that whilst you have a Government professing to be *par excellence* the friend of France, we should be kept always in a state of alarm and apprehension from the alleged hostile preparations of France. All the increase of our armaments during the last ten years has been made under the plea of protecting ourselves against France. We have had since the Crimean war no occasion to arm ourselves against Russia, for the Russian fleet in the Black Sea has been annihilated; and there has been no plea for a fleet against America or any other country. Our increase of armaments has constantly had reference to France. Well, I say it is hardly treating us with consistency to tell us that a Government which came into power especially as the Friend of France is not able to keep on terms of amity with that country in any other way than by maintaining heavy armaments. I speak now of those in preparation for an attack from France. I have often said—and I repeat it here only for the purpose of making a suggestion—better by far than to allow yourselves to appear to be forced to reduce your armaments by mere poverty, go to France and talk over the subject of these iron-cased vessels. [“Oh, oh!”] Some hon. Gentlemen in the back benches opposite cry “Oh!” but they forget that the same proposal was twice made by the right hon. Gentleman, their own leader. I think it is rather an enviable distinction of the right hon. Gen-

tleman, that on two occasions—once in 1859, and again last year—he has been the first of right hon. Gentlemen sitting in the front rank to make the suggestion, that instead of keeping up this foolish rivalry with France, we should try to make some arrangement by which we can produce peace and quietness between the two countries on cheaper terms. It seems to me the present moment is peculiarly opportune for such an arrangement. You have got to the end of wooden-ship building; you have not yet got a navy of iron vessels. Let the two Governments who are so friendly that they can enter into offensive and defensive wars, and who can make treaties of commerce with each other, and are therefore supposed to entertain feelings of confidence towards each other—let them exercise their friendship in the most elementary way. Let them say, “Do not let us arm ourselves and exaggerate our mutual forces in order that we may deceive our people in respect of the heavy taxation imposed upon them.” Does anybody suppose there is anything impracticable in the suggestion? It wants only will to act upon it. The noble Lord at the head of the Government brings here accounts which come from Paris as to the state of the French preparations. I have no hesitation in saying that these accounts are calculated to give a most exaggerated impression of what is going on in France. The noble Lord, indeed, scarcely ever speaks but it is to produce some apprehension, some disquietude, with reference to the French preparations. For instance, he tells us there are now thirty-six iron-cased ships—he always speaks of “ships”—built or building. Why, one half of them are not ships. There are but sixteen ships sea-going vessels; twenty are iron-clad batteries, and of these five are actually lying in the warehouse at Toulon, having been built to be carried by railway to Lake Guards to be used in the siege of Peschiera. The noble Lord lumps them altogether, and talks of thirty-six iron-cased vessels. Is not this a matter capable of being dealt with in a different way? I ask what is the use of our friendship? The right hon. gentleman, the leader of the Opposition, asked last year, “What is the use of your cordial alliance and your diplomacy—what is the use of your *entente cordiale*—if you cannot do such a thing as that?” I will not attribute motives; but it seems as if the object of the noble Lord was first to frighten people into the apprehension of

danger of attack, and then to find an excuse for a large expenditure of money, and at the same time to get for himself the credit of being a spirited Minister, enabled to protect the people by all this fore-thought and preparation. If that was his object, all I can say is, that he could not carry it out in a more effectual manner than he is now doing. Cannot the noble Lord come to us in a different spirit, and say, "We are on the best terms with the French Government, and we will endeavour to make an arrangement with them for the mutual saving of expenditure." They have got, at the present moment, four iron-cased ships completed; they have the *La Gloire*, which has been at sea; they have three other frigates completed; and those are all they have completed. They have no more. The right hon. Gentleman opposite, the Member for Droitwich (Sir J. Pakington), speaking in May of last year, said that the *Solferino* and *Magenta*, two others of those iron-cased vessels, were going to be launched in the ensuing month, and added to the French fleet. They are not finished yet, and will not be for the next three or four months. That is an illustration of the way these matters are exaggerated. Why cannot the noble Lord take the matter into his own hands; or, if he cannot, let somebody else do it? I mean by that, I think that it is not an impossibility to do it. I will undertake for him that it can be done. Nay, only that I might alarm the right hon. Gentleman the Member for Stroud did I say so, I would add that I would undertake to do it. Now see what a difference it would produce in the state of our preparations and finances if such an arrangement as that could be talked over and come to. I do not speak of any written formal engagement or diplomatic act. All that I want is, that a Government which professes to be so friendly with the French Government—a Government which came into power on two grounds—first, to give us a Reform Bill; and secondly, because they were the only Government to keep us on terms of friendship with France—I ask that the Government, which is *par excellence* the friend of the French Government, shall take this little matter in hand. Never let us hear again, from this moment, that the Government is under some apprehension because these iron-cased vessels are being built, or some other preparation is going on in France. Let them come to us, and tell us exactly what that

state of preparation is, and that they have assurances from the French Government that these vessels are not to be completed within a certain time. In the report before us there are ten frigates announced as having been ordered to be laid down in the winter of last year. There is not one of them that is in a state of completion; there is not one that could be launched before the spring of next year. Would it not be possible for our Government to say to the French Government—"If you won't push forward these iron-cased vessels, we will enter into a similar engagement; and we may then husband our resources and go on with the least expense, and still preserve the same relative strength towards each other." For it is, in my opinion, a great mistake to suppose, that if two countries are armed, the one having twenty and the other thirty iron-cased vessels, they are any stronger than they would be if one had six and the other four. I am not speaking with a view to a total disarmament. I am not speaking in reference to any chimerical notion of saving the whole expense of your fleet, or of lowering your fleet to the level of the French fleet. No rational man in this country or France expects it. We are an island; the fleet is the key of our very door: we cannot leave our house except by water—and no one can complain, as we have at least four times the tonnage of France, and double her commerce, besides our colonies to protect, that we should have a larger fleet. I am persuaded that we might maintain a superiority at sea without objection from anybody in France. I beg the House to entertain this idea, and if it will not be advanced by the noble Lord, I would say to hon. Gentlemen opposite, "Agree with your leader, and see whether you cannot do it." I will speak to my hon. Friend behind me (Mr. Stansfeld) as somewhat of an old soldier in this House, and I will give him a word of advice as to the way in which any object of this kind can be accomplished. Twenty-one years ago, when I came into this House, the Liberals were just at the close of their career, and they were in financial difficulties. They were succeeded by Sir Robert Peel and the Conservative party. I came into this House on a mission—to establish as far as I could the principle of free trade. My hon. Friend has also a mission, for he wishes seriously, I suppose, to effect a reform in the expenditure. I give him the result of my experience,

and point out to him the way we went to work. I proclaimed from the first that I would accept aid from either side of the House in promoting my principles. I did not assail Gentlemen opposite as a political party. I found most of my opponents there, and I hope they will give me credit when I say that as opponents I found them straightforward and above-board. But to this political party I held this language—"If you will do the work I wish to be done, I shall be as glad to support you in doing it as if it were done on this side." Well, and what was the consequence? The work was done by the other side. If I had taken the line the hon. Gentleman has taken to night, and assailed the party opposite, and refused to have their aid in the task I had in hand, it would not have been accomplished. So far as I am concerned—and I hope my hon. Friend will take the same view—unless the Government now in office will address themselves seriously to the task of retrenchment, and take a rational course in their relation to France, calculated to promote that end—I hope my hon. Friend and those who act with him, will give their support to the right hon. Gentleman and the party opposite for the purpose of doing it. I speak, undoubtedly, with great respect, personal respect—for some of the Members of the present Government; but this is a question in which the interests of the whole community are at stake, and we must not indulge too far our personal predilections or partialities. And I say, that unless the present Government will address themselves, and that speedily, to the task which has been indicated by my hon. Friend, the state of the country will be such that I am sure their opponents will be compelled to address themselves to it. The crisis which impends over us is one in which all classes are concerned, and which affects all the various interests of the nation. The first thing to be affected is that industry which is now in the greatest peril, and which more than anything else carried us through the great war with France, and has been the main source of your prosperity ever since. Depend upon it, if the cotton industry falls everything else will fall with it. ["Oh, oh!"] I say it will be so, for there is not a grazier or breeder in Norfolk or Lincoln, a cattle dealer in Scotland or Ireland, but will, within six months, in common with every other interest in the State, become sensible of the disastrous consequences;

and it is with a full knowledge of the danger which impends that I earnestly hope this question of financial retrenchment will be seriously entertained by the Government.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 65; Noes 367: Majority 302.

#### *List of the AYES.*

|                    |                     |
|--------------------|---------------------|
| Ayton, A. S.       | Lee, W.             |
| Baines, E.         | Lewis, H.           |
| Barnes, T.         | Lindsay, W. S.      |
| Barley, T.         | MacEvoy, E.         |
| Bulkeley, Sir R.   | M'Mahon, P.         |
| Buxton, C.         | Maguire, J. F.      |
| Caird, J.          | Marsh, M. H.        |
| Childers, H. G. E. | Mildmay, H. F.      |
| Clay, J.           | Mills, A.           |
| Clifton, Sir R. J. | Pease, H.           |
| Cobden, R.         | Peto, Sir S. M.     |
| Coningham, W.      | Pilkington, J.      |
| Cox, W.            | Potter, E.          |
| Crossley, F.       | Robartes, T. J. A.  |
| Dalglish, R.       | Seely, C.           |
| Dillwyn, L. L.     | Seymour, W. D.      |
| Dodson, J. G.      | Shelley, Sir J. V.  |
| Douglas, Sir C.    | Sidney, T.          |
| Doulton, F.        | Smith, J. B.        |
| Dunlop, A. M.      | Sullivan, M.        |
| Ewing, H. E. O.    | Sykes, Col. W. H.   |
| Fermoy, Lord       | Talbot, C. R. M.    |
| Forster, W. E.     | Taylor, P. A.       |
| Greville, Col. F.  | Tomline, G.         |
| Hadfield, G.       | Trelawny, Sir J. S. |
| Hennessey, J. P.   | Warner, E.          |
| Heygate, W. U.     | Westhead, J. P. B.  |
| Hibbert, J. T.     | Whalley, G. H.      |
| Hornby, W. H.      | White, J.           |
| Kekewich, S. T.    | Willoughby, Sir H.  |
| Kershaw, J.        | Wyld, J.            |
| Langton, W. H. G.  | TELLERS.            |
| Lawson, W.         | Stansfeld, Mr.      |
| Leatham, E. A.     | Baxter, Mr.         |

#### *List of the NOES.*

|                            |                         |
|----------------------------|-------------------------|
| Acton, Sir J. D.           | Bathurst, A. A.         |
| Adair, H. E.               | Beach, W. W. B.         |
| Adam, W. P.                | Beamish, F. B.          |
| Adderley, rt. hon. C. B.   | Beaumont, W. B.         |
| Adeane, H. J.              | Beaumont, S. A.         |
| Agar-Ellis, hon. L. G. F.  | Beecroft, G. S.         |
| Agnew, Sir A.              | Bellow, R. M.           |
| Angerstein, W.             | Bentinck, G. W. P.      |
| Annesley, hon. Col. H.     | Bentinck, G. C.         |
| Anson, hon. Major          | Benyon, R.              |
| Antrobus, E.               | Berkeley, hon. H. F.    |
| Archdale, Capt. M.         | Berkeley, Col. F. W. F. |
| Ashley, Lord               | Berkeley, hon. C. P. F. |
| Astell, J. H.              | Bernard, T. T.          |
| Atherton, Sir W.           | Biddulph, Col.          |
| Bailey, C.                 | Black, A.               |
| Baring, H. B.              | Blenoowe, J. G.         |
| Baring, rt. hon. Sir F. T. | Bond, J. W. M'Geough    |
| Baring, T.                 | Bonham-Carter, J.       |
| Baring, T. G.              | Booth, Sir R. G.        |

|                            |                           |                           |                          |
|----------------------------|---------------------------|---------------------------|--------------------------|
| Bouverie, rt. hon. E. P.   | Ewart, J. C.              | Humberston, P. S.         | North, F.                |
| Bouverie, hon. P. P.       | Fane, Col. J. W.          | Hume, W. W. F.            | Ogilvy, Sir J.           |
| Bovill, W.                 | Farquhar, Sir M.          | Hunt, G. W.               | Onslow, G.               |
| Bramley-Moore, J.          | Fellowes, E.              | Hutt, rt. hon. W.         | Owen, Sir H. O.          |
| Bramston, T. W.            | Fenwick, H.               | Jackson, W.               | Packe, Col.              |
| Bridges, Sir B. W.         | Fergusson, Sir J.         | Jermyn, Earl              | Padmore, R.              |
| Briscoe, J. I.             | Filmer, Sir E.            | Jervoise, Sir J. C.       | Paget, C.                |
| Brown, J.                  | Finlay, A. S.             | Johnson, Capt. J. S. W.   | Paget, Lord A.           |
| Browne, Lord J. T.         | FitzGerald, W. R. S.      | Johnstone, Sir J.         | Paget, Lord C.           |
| Bruce, Lord E.             | Fitzwilliam, hn. C. W. W. | Kendall, N.               | Pakenham, Col.           |
| Bruce, Major G.            | Foley, II. W.             | Ker, D. S.                | Palmer, Sir R.           |
| Bruce, H. A.               | Forester, rt. hon. Col.   | Kinglake, A. W.           | Palmerston, Viset.       |
| Buchanan, W.               | Foster, W. O.             | Kinglake, J. A.           | Parker, Major W.         |
| Buller, J. W.              | Fortescue, hon. F. D.     | Kingscote, Colonel.       | Patten, Col. W.          |
| Buller, Sir A. W.          | Fortescue, C. S.          | Kinnaird, hon. A. F.      | Peacocke, G. M. W.       |
| Burrell, Sir P.            | Gallwey, Sir W. P.        | Knatchbull, W. F.         | Peel, rt. hon. Sir R.    |
| Bury, Viset.               | Gard, R. S.               | Knatchbull-Hugessen, E.   | Pennant hon. Col.        |
| Butler-Johnstone, H. A.    | Garnett, W. J.            | Knightley, R.             | Philips, J. H.           |
| Butt, L.                   | Gavin, Major              | Knox, Col.                | Phillips, G. L.          |
| Calthorpe, hon. F. H.      | Getty, S. G.              | Knox, hon. Major S.       | Pigott, Serjeant         |
| W. G.                      | Gibson, rt. hon. T. M.    | Lacon, Sir E.             | Pollard-Urqhart, W.      |
| Cardwell, rt. hon. E.      | Gilpin, Col.              | Laird, J.                 | Ponsonby, hon. A.        |
| Carnegie, hon. C.          | Gilpin, C.                | Layard, A. H.             | Portman, hon. W. H. B.   |
| Castlerosse, Viset.        | Gladstone, Capt.          | Leeke, Sir H.             | Potts, G.                |
| Cave, S.                   | Gladstone, rt. hon. W.    | Lefroy, A.                | Powell, J. J.            |
| Cavendish, hon. W.         | Glyn, G. G.               | Legh, Major C.            | Powys, P. L.             |
| Cavendish, Lord G.         | Goddard, A. L.            | Legh, W. J.               | Pritchard, J.            |
| Cecil, Lord R.             | Goldsmid, Sir F. II.      | Leighton, Sir B.          | Proby, Lord              |
| Chapman, J.                | Gore, J. R. O.            | Lennox, Lord G. G.        | Puller, C. W. G.         |
| Clifford, C. C.            | Gore, W. R. O.            | Leslie, C. P.             | Rameden, Sir J. W.       |
| Clifford, Col.             | Greaves, E.               | Lever, J. O.              | Raynham, Viset.          |
| Clive, Capt. hon. G. W.    | Greenall, G.              | Lewis, rt. hon. Sir G. C. | Repton, G. W. J.         |
| Cochrane, A. D. R. W. B.   | Greenwood, J.             | Liddell, hon. H. G.       | Ricardo, O.              |
| Coke, hon. Col.            | Gregory, W. II.           | Locke, J.                 | Robertson, D.            |
| Cole, hon. H.              | Grenfell, C. P.           | Lopes, Sir M.             | Robertson, II.           |
| Colebrooke, Sir T. E.      | Gray, Capt.               | Lowe, rt. hon. R.         | Roe buck, J. A.          |
| Collier, R. P.             | Grey, rt. hon. Sir G.     | Lysley, W. J.             | Roit, J.                 |
| Conolly, T.                | Grey de Wilton, Viset.    | Lytton, rt. hon. Sir E.   | Rothschild, Baron M. de  |
| Copeland, Mr. Ald.         | Griffith, C. D.           | G. E. L. B.               | Russell, H.              |
| Corry, rt. hon. H. L.      | Grosvenor, Earl           | Macaulay, K.              | Russell, A.              |
| Cowper, rt. hon. W. F.     | Grosvenor, Lord R.        | M'Cormick, W.             | Russell, Sir W.          |
| Craufurd, E. H. J.         | Gurdon, B.                | Macdonogh, F.             | St. Aubyn, J.            |
| Crawford, R. W.            | Gurney, J. II.            | Mackinnon, W. A. (Lym.)   | Salomons, Mr. Ald.       |
| Cubitt, G.                 | Gurney, S.                | Mackinnon, W. A. (Rye)    | Sclater-Booth, G.        |
| Dalkeith, Earl of          | Hanbury, R.               | Mainwaring, T.            | Scott, Lord II.          |
| Davey, R.                  | Handley, J.               | Malcolm, J. W.            | Scott, Sir W.            |
| Davie, Sir H. R. F.        | Hankey, T.                | Malins, R.                | Scrope, G. P.            |
| Dawson, R. P.              | Hanmer, Sir J.            | Marshall, W.              | Selwyn, C. J.            |
| Deedes, W.                 | Hardcastle, J. A.         | Martin, P. W.             | Seymer, H. K.            |
| Donman, hon. G.            | Hardy, J.                 | Martin, J.                | Seymour, Sir M.          |
| Dent, J. D.                | Hartington, Marq. of      | Massey, W. N.             | Seymour, H. D.           |
| Disraeli, rt. hon. B.      | Hartopp, E. B.            | Miles, Sir W.             | Shirley, E. P.           |
| Duff, M. E. G.             | Hay, Sir J. C. D.         | Miller, W.                | Smith, M. T.             |
| Duff, R. W.                | Hayter, rt. hn. Sir W. G. | Mills, T.                 | Smith, Augustus          |
| Duke, Sir J.               | Headlam, rt. hon. T. E.   | Mills, J. R.              | Smith, M.                |
| Duncombe, hon. W. E.       | Heathcote, Sir W.         | Milnes, R. M.             | Smith, Abel              |
| Dundas, F.                 | Heathcote, hon. G. II.    | Mitchell, T. A.           | Smith, S. G.             |
| Dundas, rt. hon. Sir D.    | Henley, rt. hon. J. W.    | Mitford, W. T.            | Smyth, Col.              |
| Dunkellin, Lord            | Henley, Lord              | Moffatt, G.               | Smollett, P. B.          |
| Dunne, M.                  | Henniker, Lord            | Monson, hon. W. J.        | Somerville, rt. hon. Sir |
| Du Pre, C. G.              | Herbert, rt. hon. H. A.   | Mordaunt, Sir C.          | W. M.                    |
| East, Sir J. B.            | Hervey, Lord A.           | Morgan, O.                | Spooner, R.              |
| Edwards, Major             | Hesketh, Sir T. G.        | Morgan, hon. Major        | Steel, J.                |
| Egerton, Sir P. G.         | Heygate, Sir F. W.        | Morris, D.                | Stirling, W.             |
| Egerton, hon. A. F.        | Hodgkinson, G.            | Morrison, W.              | Stewart, Sir M. R. S.    |
| Egerton, hon. W.           | Hodgson, K. D.            | Mowbray, rt. hon. J. R.   | Stuart, Col.             |
| Eicho, Lord                | Holland, E.               | Mundy, W.                 | Stuart, Lieut. Col. W.   |
| Enfield, Viset.            | Hopwood, J. T.            | Newdegate C. N.           | Stracey, Sir II.         |
| Ennis, J.                  | Horsfall, T. B.           | Newport, Viset.           | Tempest, Lord A. V.      |
| Estcourt, rt. hn. T. H. S. | Horsman, rt. hon. E.      | Noel, hon. G. J.          | Thompson, H. S.          |
| Euston, Earl of            | Hotham, Lord              | Norris, J. T.             | Thornhill, W. P.         |
| Evans, T. W.               | Howard, hon. C. W. G.     | North, Col.               | Thynne, Lord H.          |
| Ewart, W.                  | Howes, E.                 |                           |                          |

Tite, W.  
 Tollensche, hon. F. J.  
 Torrens, R.  
 Trollope, rt. hon. Sir J.  
 Turner, J. A.  
 Turner, C.  
 Vane, Lord H.  
 Vansittart, W.  
 Verner, Sir W.  
 Verney, Sir H.  
 Vernon, H. F.  
 Villiers, rt. hon. C. P.  
 Vivian, H. H.  
 Vyner, R. A.  
 Walcott, Admiral  
 Walker, J. R.  
 Walpole, rt. hon. S. H.  
 Walsh, Sir J.  
 Walter, J.  
 Watlington, J. W. P.  
 Weguelin, T. M.

Welby, W. E.  
 Wemyss, J. H. E.  
 Whitbread, S.  
 White, L.  
 Wickham, H. W.  
 Williams, Col.  
 Winnington, Sir T. E.  
 Wood, rt. hon. Sir C.  
 Wood, W.  
 Woods, H.  
 Wrightson, W. B.  
 Wyndham, hon. P.  
 Wynn, Sir W. W.  
 Wynne, C. G.  
 Wynne, W. W. E.  
 Wyvill, M.  
 Yorke, hon. E. T.

TELLERS.  
 Brand, Mr.  
 Dunbar, Sir W.

Question proposed, "That the proposed words be added instead thereof."

**MR. WALPOLE:** Mr. Speaker, the announcement made at the commencement of this evening by the noble Viscount at the head of the Government was of so startling and unusual a character, that it places not merely myself, but my friends and the House, in a position of great difficulty and embarrassment. In the choice, however, of the difficulties placed before me, and placed before the House, it is my duty now to redeem the pledge which I gave at the commencement of the evening, that I would state the course which, upon reflection, I thought it would be right to take. The Government have placed us in this position—either the House is not to express its opinion on questions of finance and expenditure, without running the risk of throwing the responsibility on any Gentleman who may move an Amendment of attempting to displace the Government; or else the responsibility which, on the other horn of the dilemma, would be thrown on me is, that notwithstanding the Motion of which I gave notice was not intended, either by me or by those with whom I act, as a Motion of censure or of want of confidence in the Government, yet the noble Viscount has chosen to put it in that light, and therefore throws on me, who have given notice of that Motion, the responsibility alluded to by my right hon. Friend below me, of taking upon myself all the responsibility of such a Motion, supposing it were to succeed. Now, I always understood that any Gentleman or party in this House who undertook to move what is considered a vote of censure

or of want of confidence, can only do so on the supposition that they are prepared to take the consequences of the Government resisting such a Motion and being in a minority. Those consequences would be either a dissolution of Parliament, or a change of Administration. The friends with whom I act—the noble Earl at the head of the party with which I am proud to be connected has, I know, from the beginning of these proceedings—from the beginning of this Session and throughout this Session—publicly in his place in the other House, and privately among his friends, always said that he did not wish to displace the noble Lord opposite. That being so, it is not in my power—consistently, at least, with my opinion of the duty I owe to this House and to my friends—to persevere with a Motion which may be attended with consequences, and which might entail responsibilities, that I, for one, am not prepared to encounter; and inasmuch as the noble Viscount himself has said to-night, that if his Resolution be carried, the Government do intend earnestly to apply themselves to consider the best means by which reductions can be made in our expenditure, the House loses much less by accepting such Resolution than it might lose if I were to persevere with my Motion entailing the consequences to which I have adverted. I know the course I am now taking may not be agreeable to some of those with whom I would wish always to co-operate; but I am placed in so unusual and unexpected a position, that I must bear all the responsibility of the course which I take; and, if anybody is to blame for that course, the blame must rest with me alone. Nevertheless, I believe that, upon the whole, the course I propose to take is a course most conducive to the well-being of the country; for I think it not desirable to attempt to disturb the Government at such a moment as the present, when I have no reason myself to say that the Government do not deserve the confidence of the country.

**MR. W. E. FORSTER** (who spoke amid much interruption) said, he wished to state in a few words the sense he put upon the Resolution of the noble Lord at the head of the Government. He interpreted it in the sense stated by the noble Lord himself—as a pledge for economy. He was well aware that the words in which the pledge were clothed in themselves carried very little weight

with them ; nevertheless, he felt assured that the noble Lord would not have ventured to take the unprecedented course of himself proposing this Amendment, knowing the feeling of the country with respect to the amount of taxation, without being prepared, as far as possible, to fulfil the pledge held out. He wished further to state, that notwithstanding the small number, comparatively, of the supporters of the original Motion, he congratulated—and he believed that the friends of economy throughout the country would congratulate—the hon. Member for Halifax on having brought forward the Motion, for he fancied that otherwise they would not have had this pledge from the noble Lord. Since the noble Lord had proposed his Resolutions as a vote of confidence in the Ministry, he might say that he had confidence in the noble Lord's Government, as far as foreign policy was concerned; but with regard to economy, if he merely compared the professions of the noble Lord with those of the right hon. Gentleman opposite, he should have been willing to support the right hon. Gentleman; however, he could not separate the foreign policy from the home policy, and therefore he should now support the Resolutions of the noble Lord, on the condition that an expenditure admitted on all hands to be excessive should no longer be wrung from the pockets of the people.

MR. WHITESIDE said, he wished to state the course he should feel it his duty to take under the extraordinary circumstances in which the House was placed. He liked a direct course. He came there to-night for the purpose of hearing the Amendment of his right hon. Friend (Mr. Walpole) debated and decided upon its merits. He thought the subject interesting, and he should not have been frightened by the language even of the noble Viscount. But before that question could be discussed, the noble Viscount, in a manner unprecedented, unconstitutional, and unparliamentary, stood up and declared what would be his conduct in the event of the House being satisfied of the justice of the right hon. Gentleman's Amendment. If the noble Viscount could act in that way whenever he pleased, he became not the leader, but the Dictator of that Assembly. As the Motion of the Previous Question could not be now put according to the forms of the House, and as his right hon. Friend had withdrawn his Amendment, nothing remained for him to say,

*Mr. W. E. Forster*

but that, as he held the words of the noble Lord's Resolutions to be without meaning, equivocating, and shuffling, he could not agree to them, and should meet the Motion with a direct negative.

MR. BERNAL OSBORNE: As a friend of economy, I cannot, like the hon. Member for Bradford (Mr. W. E. Forster), who, I believe, pulls the strings on this occasion, find matter of congratulation in the course which the debate has taken; for, whatever may be the opinion of the crowded assembly in this House, I am mistaken if the country will not look on the whole proceedings of this night as one of the most solemn shams. Here we were brought down on the eve of one of the great holydays of the country to hear an elaborate speech from my hon. Friend the Member for Halifax, which, somehow or other, evaded the whole subject, but which, if carried out to its legitimate conclusions, would involve this country in a long and expensive war. The hon. Member for Halifax, taking counsel, no doubt, in the morning with his colleague, the other Member for Halifax, made a speech in which a few Liberal sentiments were enounced, but the question of economy was kept completely in the background, though the hon. Member, like the Emperor Napoleon, seemed ready to go to war for an idea. In the speech he made he gave the go-by to all the discussions on Estimates, and I felt rather surprised when I recollect that those hon. Gentlemen among whom I sit, but in whose sentiments I do not always participate, when we come to Votes upon Estimates—to a Vote like that on Alderney, for instance, the other night, in which £270,000 was at stake, and which by the aid of eight votes we might have struck off, are always absent, though they can come down here at other times and in sounding periods and bow-wow platitudes enunciate theories which attract the attention of the House even on the eve of a Derby Day—and that is a great thing. Then there are those sixty-three Financial Reformers who signed the famous round-robin, who are always away when there is anything brought forward; for instance, on that Vote for Aldershot, which was one of the first things we tested them upon, they were all absent. ["No, no!"] Perhaps there were some of them there, but I notice that these Gentlemen have got now into a way of saying, "No, we won't contest the Estimates, but we will come forward on some

occasion when we can do no good ; we will shut the door of expenditure when the steed of economy has been stolen " and late in the Session a Motion is made like this, which I think is about the most ridiculous thing I ever heard of. I cannot congratulate the friends of economy on this night's business. Between the variety of Amendments, my feeling was very much

" Why all this difference should there be  
" 'Twixt Tweedledum and Tweedledee."

This has been from the beginning to the end a bottle of smoke which will be duly appreciated by everybody who is not a Member of Parliament. [Mr. COX : And by some of them.] Well, perhaps, by some of them too. My hon. Friend the Member for Finsbury represents a large constituency, full of common sense, who will appreciate all this; but there are other people who are not in the same happy position as the hon. Gentleman. Well, what is the state of things we have got to ? If we talk of economy, up starts the noble Viscount and cries out, " I will have no economy—that's a party question." The right hon. Gentleman and sensitive Member for Cambridge University attends a meeting. [Mr. WALPOLE : No, no !] No, he does not attend it, then ; but he has such confidence in his party that he keeps away and agrees to move an Amendment ; and then

" Back recoils, he knows not why,  
" E'en at the sound himself has made."

The right hon. Gentleman was bound, before he brought everybody down here in crowds, to have made up his mind, and to have known the effect of what he was about to say. It will not do for him to come down here, and, with hearse-like moans and with as much solemnity of manner as if the British Constitution were at stake, to say, " No, I like economy much, but I like Lord Palmerston more." It was the duty of the right hon. Gentleman to have thought of all that before he put himself, his party, and, what I think is of infinitely more consequence, the country, in the position in which we now find ourselves. I felt so strongly the futility of all these Motions, that I intended to have taken the noble and independent course of walking away out of the House and voting upon none of them. I have heard nothing like a reason given to-night. The hon. Gentleman the Member for Halifax made a speech in

which there was a good deal about Scavonian nationalities, and some of the claptrap about Italian unity. It seems now that we are never to have anything said about domestic policy ; but the moment any domestic policy is pointed at, immediately people are to get up and say, " Oh, but there's Italian unity." I give no opinion now about Italian unity. I hope that all nations struggling for liberty will succeed on their own merits ; but if for Italian unity we are to be called on for that self-defence of which we have heard something to-night, and if for that self-defence we are to be called on for a loan of £11,500,000, then, much as I love Italian unity, I love British integrity more. I warn the House, and those hon. Gentlemen who allow that red herring to be drawn across their trail so often, that, fond as they may be of Italian unity, there is a duty which they owe to this country in the shape of British expenditure, and, however much I may sympathize with a people struggling for their liberty, I sympathise with the British taxpayer more. I, for one, regret that this debate has not turned upon questions of domestic economy, but has run away on questions which are not relevant to the subject. I do not exactly know what the position of things is after the course the right hon. Gentleman has taken. I believe it has been said that on the eve of the Derby " favourites " are sometimes found " bolting." It looks to me in this case as if the " favourite " had—not " bolted " exactly, but as if somebody had " got at him," as they say. Whether or not that be the case, I suspect that the right hon. Gentleman can never run for a Derby again. We have had this battle of Amendments, these sham Motions, and reformers getting up and congratulating themselves on economy ; and what progress have we made towards economy ? Is the Member for Bradford so soft as really to believe that by this Motion we have got any promise of economy ? The effect of it is this—we have made the noble Viscount stronger than ever. I hear the cheer of the hon. Member for Perth (Mr. Kinnard), who, as a banker, of course delights in the circulation of money ; but by " stronger than ever " I mean that the noble Viscount will be more unchecked than ever. He will come down here and propose Votes of national fortifications, and you will support him. I think the only person who has come out of this matter with

feelings of satisfaction is the hon. Member for Brighton. [Mr. WHITE: No, no!] For he comes down with his Eleven, and plays All the World. He is beaten fairly; but late in the Session we get the outsiders, the fags and the longstops, who come down here and bring forward these Motions, which can do no earthly good. I do not know whether we are going to have another division or not, but what I would advise the rest of the House to do would be to leave the matter entirely in the hands of the right hon. Member for Cambridge University and the noble Lord the Member for Tiverton.

MR. LINDSAY said, the Resolution of the noble Lord did not satisfy him, more especially the second paragraph, and he would move the omission of the second paragraph, and the substitution of the following words in lieu thereof:—"But this House would regard with satisfaction such a decrease of the National Expenditure as would admit of a reduction of the present exceptional War Taxation." Hon. Gentlemen who were anxious to see the expenditure reduced without interfering with the security of the country could hardly do otherwise than support this Amendment.

**Amendment proposed to the said proposed Amendment,**

By leaving out from the word "Abroad" to the end of the said proposed Amendment, in order to add the words "but this House would regard with satisfaction such a decrease of the National Expenditure as would admit of a reduction of the present exceptional War Taxation,"

—instead thereof.

VISCOUNT PALMERSTON: I can only say that I have the same objection to this Amendment as I had to the Amendment of the right hon. Gentleman opposite.

MR. DISRAELI: Sir, if I might presume to give any advice to the House under the present circumstances, it would be that we should all go home. The business, being really serious, will no doubt again afford to the House an opportunity of delivering its opinion upon it. It is not likely that a combination of Parliamentary circumstances such as has occurred to-night will occur again. I think the best thing is always to put a good face upon a disagreeable state of affairs, and take that sensible view which may be taken even of the most distressing and adverse occurrences, if you have

*Mr. Bernal Osborns*

a command over your temper and your head. On the present occasion it would be much better not to interfere with the further discussion, which, I have no doubt, will occur on a subject so serious as the finances of the country, when that subject will be divested of the collateral circumstances which have been connected with it to-night. I will not impugn the conduct of my right hon. Friend. I certainly did expect that one who has so many real claims to the name and character of a statesman, and whose Parliamentary knowledge is so great that I have always willingly and readily bowed to it, might have contemplated the possible issue, that the Government might choose to raise, however unwarrantably. There has been a discussion to-night whether it was a question of want of confidence or not. I think, no doubt, on the part of my right hon. Friend there was a want of confidence. The only result of the Amendment of the hon. Gentleman (Mr. Lindsay) would be, that the House will sit up to a very unreasonable hour—considering the engagements of to-morrow—and my opinion is that we should much better allow the Resolutions of the noble Lord to pass. What are those Resolutions? The House having lost an opportunity of discussing in a becoming spirit the most serious question of the day, we shall not at all improve our present position, or advance those opinions which are, I doubt not, sincerely entertained by many hon. Members on both sides of the House, by entering upon the consideration of the Amendment which has just been proposed. It appears to me that the best thing we could do, after what has occurred, is to allow the Resolutions to pass, with this conviction, which I am sure the majority of the House will feel, that when the Resolutions have passed they will not have the least influence on public events or on public conviction.

SIR WILLIAM HEATHCOTE: I entirely concur in the advice which the right hon. Gentleman has addressed to the House, and believe that it would be far more for the dignity of our debates and of our proceedings if we take without further division or discussion the Amendment of the noble Lord, which has now become a substantive Motion, and leave the whole world to judge of the proceedings of the noble Lord and the Government upon the matter. But my reason for rising now is

not to give that opinion, but rather to protest against the speech of the right hon. Gentleman (Mr. Disraeli) as regards the colour which he has given to the conduct of my right hon. Friend (Mr. Walpole) and the course which he felt it his duty to take, and also against the view which was taken by an hon. Gentleman opposite (Mr. B. Osborne) on the same subject. It is true that the course which events have taken this evening have reduced to a solemn farce that which ought to have been a serious debate. But to whom is that owing? It is owing not to my right hon. Friend, but to the noble Lord. ["Hear, hear!" "No, no!"] Yes, to the noble Lord—for the noble Lord, with that adroitness of which he is so great a master, put the House in such a position that it was absolutely impossible for the debate to go on otherwise than in a manner which would be entirely beside the question which we were met to discuss. Now, I say that the course taken by my right hon. Friend is one which leaves it in the power of the House to deal with the subject again. You may be assured of this—that if my right hon. Friend had not withheld his Amendment, the result would have been that the whole House would have been embarked in a subject entirely foreign to finance. The whole question would have been whether the noble Lord was to retain office or not. Many a man who does not agree with the noble Lord politically or financially on some subjects would have withdrawn from opposition rather than have disturbed the noble Lord in the possession of the office which he holds. Any looker-on may judge how far the noble Lord's Government has gained in character by the course pursued to-night. I will give no opinion on that. Let every person who reads the newspapers to-morrow judge of our position. But this I say, that this financial subject remains open; it awaits discussion; discussion some time or other is inevitable, and you will then approach it without the prejudices with which it would have been approached if my right hon. Friend had not exercised a wise discretion. ["Oh, oh!"] There may be Gentlemen eager for a division; but of this I feel confident, that the time will come when they will see that my right hon. Friend has been the man who has saved them from a great difficulty, and that he has not only shown the fair disposition which he always does to look

things really in the face, but has shown a political discretion and wisdom which some of those who have censured him will one day recognise.

MR. CLAY expressed his satisfaction that the noble Lord had not accepted the Amendment of the right hon. Gentleman, which had been generally spoken of as calculated, if was not intended, to humiliate him. The noble Lord had, however, undeceived those who thought that he was ready to swallow anything. There was a want of vigour and of reality both about the original Motion and the Amendments, with the single exception of the Amendment of the right hon. Gentleman (Mr. Horsman), which alone raised a distinct and an honest issue.

Question, "That the words proposed to be left out stand part of the said proposed Amendment," put, and *agreed to*.

Question,

"That the words 'this House, deeply impressed with the necessity of economy in every Department of the State, is at the same time mindful of its obligation to provide for the security of the Country at Home and the protection of its interests Abroad; and observes with satisfaction the decrease which has already been effected in the National Expenditure, and trusts that such further diminution may be made therein as the future state of things may warrant,' be added to the word 'That' in the original Question,"

—put, and *agreed to*.

Main Question, as amended, put, and *agreed to*.

*Resolved*,

That this House, deeply impressed with the necessity of economy in every Department of the State, is at the same time mindful of its obligation to provide for the security of the Country at Home and the protection of its interests Abroad; and observes with satisfaction the decrease which has already been effected in the National Expenditure, and trusts that such further diminution may be made therein as the future state of things may warrant.

House adjourned at a quarter after  
One o'clock till Thursday.

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HOUSE OF LORDS,

Thursday, June 5, 1862.

MINUTES.]—PUBLIC BILLS.—1<sup>st</sup> Jurisdiction in Homicides; Sandhurst Vesting.  
2<sup>nd</sup> Universities (Scotland) Act Amendment; Red Sea and India Telegraph Company.

## COPYRIGHT (WORKS OF ART) BILL.

[BILL NO. 49.]

ORDER FOR COMMITTEE DISCHARGED. BILL  
COMMITTED TO A SELECT COMMITTEE.

**EARL GRANVILLE** said, that in accordance with what appeared to be the general feeling of their Lordships, he proposed to move that this Bill be referred to a Select Committee. He thought that would be the best mode of dealing with the complicated details of the question.

**THE EARL OF ELLENBOROUGH** said, he would not oppose the reference to a Select Committee, but thought that the required amendments could have been made in the Bill in a Committee of the Whole House. He would suggest, however, that the Committee should consider whether, in giving new protection to painters and engravers, it would not be well to give similar protection to sculptors.

**LODR CHELMSFORD** said, he approved the reference to a Select Committee, because he thought that before the Bill became law it would require to undergo very material alteration. At the same time he would venture to suggest the necessity for an inquiry into the law of artistic copyright generally, which appeared to him to be in an unsettled and unsatisfactory condition. This Bill only proposed to deal with drawings and paintings, leaving the question as concerned sculpture unchanged. He thought the existing law with regard to engravings and sculpture required amendment. The law of copyright affecting engravings depended upon an old Act of 1735, called "Hogarth's Act," which gave engravers a copyright in their works for fourteen years, afterwards extended to twenty-eight years. In order to obtain that privilege, however, it was requisite that each engraving should bear the name of the engraver and the date of the first publication, which requirement was, of course, not fulfilled in the case of artists' proofs and proofs before letters. As the term of copyright in engravings was not the same as that of literary copyright, in the case of engravings illustrating a work a question arose whether the engravings were governed by the Literary Copyright Act. Under the Literary Copyright Act, no preliminary conditions were prescribed, and copyright was given to the author during his life, and for seven years afterwards; or for a total period of forty-two years, if his life should not extend to

that period. But engravings published in illustrated works did not fall within the terms of the Literary Copyright Act, and therefore they were governed by the Engravings Act, which only gave a copyright of twenty-eight years, under certain conditions. In this Bill it was proposed to give to engravers a copyright during the author's life, and for seven years afterwards; but not to give the alternative period of forty-two years. Under the Designs Act, sculptors could register their works, and recover penalties in case of piracy; but the law in respect to sculpture differed from the law relating to painting and engravings. The result was an uncertain and incomplete state of things. He could not but think that it was desirable to establish the same law in reference to all artistic and literary productions. He thought, also, that the question of international copyright should be considered, together with the whole subject of domestic copyright, before they proceeded to fresh legislation; and he would suggest that a Select Committee be appointed to inquire into the law of copyright in general, and that this Bill should be referred to that Committee.

**LORD TAUNTON** said, he believed his noble Friend the President of the Council had exercised a very wise discretion in referring the Bill to a Select Committee. He believed that the Bill pushed the principle of protection to a most extravagant point. He should despair of making the measure a reasonable one in a Committee of the Whole House, but he hoped that in a Select Committee they would be able to give to it that character.

**EARL STANHOPE** trusted that the inquiry before the Select Committee would be proceeded with immediately after the Whitsuntide recess; for he should consider it a great misfortune if the Bill, which had already received the assent of the other House, should, in consequence of any unnecessary delay, be dropped for the present Session.

**EARL GRANVILLE** was afraid, that if the Select Committee were to enter into the consideration of all the subjects adverted to by the noble and learned Lord (Lord Chelmsford), a great delay must take place.

**LODR CHELMSFORD** said, that what he desired was, that the different laws with respect to artistic works should be assimilated.

**EARL GRANVILLE** said, he would endeavour to name the Committee before the House adjourned.

Order of the Day for the House to be put into a Committee on this Bill *discharged*; and Bill referred to a Select Committee:

The Lords following were named of the Committee; the Committee to meet on *Monday the 16th instant*, at Four o'Clock, and to appoint their own Chairman:

Ld. Chancellor.	E. Ellesmere.
Ld. President.	Ld. Chamberlain.
Ld. Privy Seal.	V. Hardinge.
M. Westminster.	V. Stratford de Redcliffe.
Ld. Steward.	L. Overstone.
E. Derby.	L. Cranworth.
E. Stanhope.	L. Wensleydale.
E. Carnarvon.	L. Chelmsford.
E. Grey.	L. Taunton.
E. Sommers.	
E. Ellenborough.	

#### RED SEA AND INDIA TELEGRAPH COMPANY BILL.

[BILL NO. 70.] SECOND READING.

Order for the Second Reading read.

**THE DUKE OF ARGYLL**, in moving the second reading of the Bill, said that its object was to make the best of a bad bargain. In 1858, the late Government entered into an agreement with a Company which had engaged to establish an electric telegraph communication between England and India. By that agreement the Company were guaranteed an annual payment of  $4\frac{1}{2}$  per cent on any sum up to £800,000 which they might expend on the work, provided they succeeded in establishing such a communication. The Company laid down the communication, and for a short time each separate part was in successful operation, and messages were for some days transmitted from England to Kurrachee. The Company had therefore fulfilled the condition. But very soon after the line had been brought into working order, some of the most important of its links became defective, and had never since been restored. The Government nevertheless were still bound to pay the stipulated  $4\frac{1}{2}$  per cent per annum. Under these circumstances the whole matter was then thrown upon the Government, who declined to attempt to restore the telegraphic communication themselves, but entered into an agreement with a new Company, by which that Company were to be remunerated from the profits of the undertaking, so that their profits would

depend on the successful operation of the telegraphic communication.

*Moved*, That the Bill be now read 2<sup>o</sup>.

**THE EARL OF ELLENBOROUGH** observed, that electric telegraph communication with India was not merely of commercial importance, but of the highest political importance also. If the matter were left to the management of a Company, he had no great hopes of the success of the scheme. The line must pass through the territories of foreign rulers. A Company would hardly be able to carry out the object without the intervention of the Government. He therefore thought it would have been better if the Government had kept the whole matter in their own hands.

**LORD LYVEDEN** said, he did not agree with the noble Duke in thinking that all that now remained to be done was to make the best of a bad bargain. He wished to know whether the Government had gone into the question, whether or not the electric telegraph to be established under the Bill would form the best line of communication with India? Suppose this Company should fail, were Government to take no other steps to complete telegraphic communication with India? Had they considered whether this scheme was feasible? The correspondence which had taken place between the two Companies was very meagre, and there had been no declaration by the Government as to what the contract was.

**THE DUKE OF ARGYLL** thought his noble Friend misunderstood the whole transaction. The arrangement as to the payment of the late Company was not altered. They were absolutely entitled, under a Report made to the House of Commons, and by a vote of that House, to every farthing of money that was given to them by this Bill. There was a provision in the Bill, however, for converting that payment into annuities, and for their redemption by Government. The new Company, at their own risk and with a large expenditure of capital, offered to fish up the Red Sea cable and complete the line of communication with India, without any advance or guarantee from the Government, and only stipulating for the profits of the line if they succeeded. He thought such an arrangement, so far as the Government were concerned, was making the best of a bad bargain; and he was not sure that, after all, this was not the most certain mode of establishing telegraphic communication

with India, which the Government were most anxious to see carried out.

LORD REDESDALE observed, that while the Bill stated there were certain arrangements which had been entered into with Her Majesty's Treasury, these were not set out either in the preamble or schedules. He thought it extremely important that these arrangements should be specified in the Bill. He had hoped that the mode in which the Bill was drawn had been exploded long ago.

EARL GREY wished to know whether the arrangement the Government had made would be any obstacle to their establishing another line, either by the Red Sea or through Persia, if that should be considered advisable, or whether a complete monopoly was given to one Company? He thought it most important that the hands of the Government and Parliament should not be bound by such an arrangement.

THE DUKE OF ARGYLL approved the general principle stated by the noble Chairman of Committees. Parliament should undoubtedly keep a sharp lookout in all these cases; and had that taken place in 1858, very possibly the original agreement would not have been sanctioned. The whole of the present arrangement had been laid before Parliament in the shape of a Treasury Minute, and the letter of the new Company accepting the terms. This was before the end of March, so that the House of Commons had had time maturely to consider the subject; and, in point of fact, no objection had been made to it. There was no guarantee given that other lines should not be established; the only agreement was that the new Company should restore and complete the communication, and that they should have all the profits of the line up to the limit of 25 per cent, beyond which there were various arrangements as to the right of pre-emption. All this was specified in the Treasury Minute, but he should not object to insert the Treasury Minute in a schedule, if the rules of Parliamentary procedure would permit of that course.

LORD REDESDALE said, he did not think there was much reason to apprehend any competition in the establishment of such a line of communication. His opinion was that the £200,000 proposed to be expended in restoring this communication would be thrown away; and, moreover, he was convinced that in the

event of a war the communication would be destroyed.

Motion agreed to; Bill read 2<sup>d</sup> accordingly, and committed to a Committee of the Whole House on Friday, the 13<sup>th</sup> instant.

#### EDUCATION — CHRISHALL NATIONAL SCHOOL.—PETITION.—MOTION FOR CORRESPONDENCE.

THE BISHOP OF ROCHESTER moved for—

"Copies of Correspondence between the Committee of Privy Council on Education and the Committee of a proposed National School at Chrishall, relative to an Application made for a Building Grant for the said School, and refused by the Committee of Council."

The right rev. Prelate said, that the case which he had to bring before their Lordships was a very small one in itself, but it involved principles which, if allowed to remain in operation, would affect the whole of the Church of England Schools. It was the case of the parish of Chrishall, in Essex, in which place, after a considerable period of neglect, something like a little revival had taken place, and an effort was made to establish a school. An application was made to the Education Committee for a grant in aid of the building; but it was refused on the ground that the proposed school was to be in union with the National Society, and that no grant could be allowed unless "the conscience clauses" were introduced. The reply of the Committee on Education created considerable feeling in the parish. It was known that the objection of the Committee was grounded on the circumstance that between fifty and sixty families professedly belonged to the Church of England, and that about an equal number belonged to Dissent. The result was that the Dissenters immediately joined with the Church people in petitioning the Committee of Council that the difficulty might be waived, and that a grant might be made in aid of the building of the National School. It was hoped that a unanimous petition to that effect, in which the name of not a single inhabitant was wanting, might succeed in removing the difficulty which had been raised by the Education Committee; but the reply was to the effect, that although, no doubt, it was satisfactory that all the inhabitants should be willing to concur in establishing a National School, yet the building grants of the Committee were presumed

*The Duke of Argyll*

to be *in perpetuum*, and it was an invariable rule that the assent or wishes of existing parishioners should not be acted upon so as to bind those who came after them. It was added that the parish of Chrishall was avowedly too small to support more than one school ; and that as nearly half of the inhabitants were Dissenters, the next generation might be unwilling to let their children attend a school in connection with the National Society ; and the fact that an objection might possibly be raised hereafter to the school on the part of some of the parishioners was deemed by the Education Committee a sufficient reason for refusing a grant in aid of the building. If the possible existence of Dissent in another generation was to be considered an obstacle to the making of a grant in aid of a National School, the application of that principle would effectually debar the extension of Church of England Schools by the aid of public money, as had heretofore been the case. The reply of the Education Committee contained an intimation that there was something of a proselytizing system in the Church of England Schools ; but such a system the National Society repudiated, except so far as it was bound to carry out its principles as an embodiment of the National Church promoting the cause of education. The National Society, by the profession of its members and by its charter, entertained, and had always insisted on promoting, the principles of the Church of England ; but, at the same time, it had in its terms of union certain discretionary powers vested in managers which were designed to obviate objections, probably of a temporary kind, that might be made here and there. It was not correct to say that there was anything of a proselytizing character in the National Society, beyond that which must necessarily belong to it as the representative of the Church of England. Such a statement might equally well be made with respect to the British and Foreign Society, because the British and Foreign Schools were as much the schools of the Dissenters as the National Schools were the schools of the Church of England. The principle upon which the public grants were originally made was that of encouraging religious bodies who had already been exerting themselves in order to promote the education of the country, and it was agreed that the question of religion should be put on one side. The country was to avail itself of the efforts

which were made so strenuously by religious bodies ; but in the present instance what he and many others felt, and what had been represented to him continually since the question of the conscience clause had been so frequently agitated, was that the money power vested in the Committee of Council was made to control and influence the religious character of schools. That was totally alien to the principles upon which the movement began. If carried out extensively, it must bring confusion into all the efforts that might be made to promote the Church of England schools, and that, too, without a particle of evidence that the discretionary power which managers were entitled and called upon to exercise had been in any way abused. In the absence of such evidence, it was rather hard that those who were exerting themselves to promote Church of England schools should be prevented from exercising the discretionary power vested in them ; while, at the same time, they were told that the Committee of Council would themselves exercise a discretionary power as to the schools which they might deem entitled to receive aid where Dissent in any form existed. He held, for his own part, that a discretionary power might be abused in the way of making grants, just as much as in requiring the application of religious tests. It was a fact, however, that the National Society had resisted attempts by managers to introduce religious tests. The Education Committee, in their reply to the promoters of the Chrishall school, professed to be guided by old rules. Now, the only rule bearing on the subject was to be found in page 6 of the last Code, and was to the effect that the religious denomination of each school should be suitable to the families relied upon for the supply of scholars. He presumed that the people themselves were to judge of what was suited to their case. The inhabitants of Chrishall were unanimous in favour of the proposed National school ; but, leaving that point, he was at a loss to know when and where this rule had its origin ? It was certainly to be found in the last Code, but it had no existence before. When the difficulty about the management clauses was arranged, it was thought that the National Society would be permitted to go on in its good work without molestation ; and it was certainly startling to be told that the money power wielded by the Education Committee was to be used to control the

character and religious teaching of the National schools.

THE BISHOP OF LINCOLN presented a petition from the Rev. John Douglas Giles, Rector of Willoughby, in the county of Lincoln, complaining that a grant had been refused to a school in his parish by the Committee of Council because of its connection with the National Society, and praying for redress. The right rev. Prelate said, that this case was very similar to that just brought under their Lordships' notice by his right rev. Brother. It had been proposed to establish at Willoughby an infant school in connection with the National Society, and application was made for a grant in aid of the building: the appeal was met by a refusal, it being stated, that after a careful consideration of the application, the Committee of the Privy Council regretted that they must decline to aid the promoters to establish a school, the pupils of which might, in the discretion of the managers, be compelled to learn the Church of England Catechism, and to attend the parish church. It was not possible, however, that they would be compelled to attend the parish church, for it was two miles distant; and the rule with reference to the Catechism did not apply to infant schools. He deeply regretted that the Education Committee should have given such a reply. The progress which had of recent years been made in the education of the people in this country—a progress at which the great and good Prince, whose loss we all deplored, had, in almost his last words, expressed his astonishment—was mainly owing to the efforts of private benevolence, the mainspring of which was the religious zeal of those by whom it was exhibited. It was clear, therefore, he added, that a refusal based on such grounds as those alleged by the Committee of Council in the instance to which he adverted, must tend to check the aid which many good men were impelled to give for the reason he had mentioned. He might further observe that he viewed with some alarm the interruption which had lately been created in a system under which the education of the country had so greatly advanced. He was sorry the system had been broken in upon without the introduction of some more hopeful mode of securing the continuance of that advancement.

THE BISHOP OF ST. ASAPH said, he also could mention an instance in which

there had been, in his opinion, an injustice done towards a National School. In his diocese there had existed for about fifteen years a bad National school. In consequence of a change of master, and unwearied exertions on the part of the landowners and others, the school was put upon a better footing; and then it was thought that it would be better to pull down the schoolhouse and to rebuild it upon a new site. In that case all the landed proprietors and all who could be expected to contribute towards the expense were Churchmen, and the people of the district had no objection against sending their children to the National school. Application was made for a Government grant; but it was refused, upon the ground that there were numerous Dissenters in the parish who had petitioned against the grant. He contended, however, that the school was not a new school, within the meaning of the rule that had been referred to, but was an old school that had existed for at least fifteen years before. In another case in his diocese the largest landed proprietor of the parish was a Roman Catholic, but out of the population of 2,500 not 100 were also of that religion. Application was made by the proprietor for a Government grant to build a Roman Catholic school—a denominational school of the most exclusive character—and a grant of £650 was made. No complaint was made of that grant; but it was complained that the same favour was not extended to Church of England schools. If an impression were permitted to gain ground that the Church was held in disfavour by the Government, an evil would be created, the effects of which would be felt for many years to come.

EARL GRANVILLE (who was very imperfectly heard) said, he could not admit that the Department over which he presided was justly liable to the charge of hostility towards the Church of England schools, and of withholding from those schools a fair share of the Government grants, to the discouragement of those who were interested in them. The right rev. Prelates appeared to think that some new rule, or new application of a rule, had been introduced. That was entirely a mistake. The rule of which the right rev. Prelates complained had existed under successive Committees of the Privy Council and successive Governments, and had been invariably acted upon. It would be a waste of the public money for the Go-

*The Bishop of Rochester*

vernment to assist in the establishment of very small schools, which could only be available to a very limited number of children; and therefore they had laid down a rule, regulating that there should be no grant where there were not a certain number of children who could take advantage of it. Where there was a population adequate to support one school, that school was cheerfully aided. In any place where there was a population more than sufficient for one school, that population being composed of two or more religious denominations, and any one denomination could show that it had a sufficient number of pupils to justify the establishment of a separate school, such separate school was assisted. In one case referred to by a right rev. Prelate, the whole population of the parish was only 1,080, giving 120 as the average number of children likely to attend school. Two applications for grants were made, one for the National school to contain 150 pupils, and the other for the British and Foreign Society's school to contain 252. It was evident that the proper course to pursue was to refuse both applications, as one good school would be adequate to the wants of the parish. The right rev. Prelate, however, complained that the Committee did not act upon the same principle in regard to other denominations, and instanced a case where a grant had been made in aid of a Roman Catholic school. If the case were as the right rev. Prelate had stated it, the Department over which he (Earl Granville) presided would not have a word to say; but in the case of Roman Catholics, the grant was made because they could not attend the Church schools in consequence of the rule that the Scriptures were to be taught in them without note or comment; and the result of a refusal, where there was any considerable number of Roman Catholics, to assist a Roman Catholic school, would be that the children of that persuasion would attend no school at all.

THE BISHOP OF ST. DAVID'S said, that this was as important a question as could be brought under their Lordships' attention. He could not understand on what principle grants to denominational schools were not to be regulated by the existing state of religious belief in the district; because, if allowance were to be made for changes in the future, where were these to end? Were they not to educate children in the religious belief to which they belonged, because their de-

scendants, in some future generation, might exchange it for another? He wished to say a few words as to how the Parliamentary grant had been distributed. So far as the object of the Government was to prevent the application of any exclusive system of education, he entirely concurred in sentiment with the noble Earl; but his own inference from what passed was, that there was a struggle going on between the Committee of Council and the National Society; the former thinking it their duty to take measures to force the National Society to modify their rules by introducing a "conscience clause." This appeared to be at the bottom of the affair. He believed there was no need for the introduction of any such clause; but if the National Society should ever think fit, upon due consideration, to modify their rules, he personally should rejoice in the change. He regretted, however, that the Government appeared disposed to lay down a rule, which would have the effect, directly or indirectly, of subverting the principle of denominational education as at present understood.

LORD REDESDALE said, that even admitting that there was no new rule, still it was impossible for any one conversant with the subject not to see that there had been a considerable change in the practice of late years. He was not prepared to fix the precise period at which this change had taken place, but the grants to Church schools in connection with the National Society were no longer made in the same manner. It was utterly discouraging to those interested in the Church education of the people, to find that within the last few years the distribution of those grants should have been made on the principle introduced by the Committee of Privy Council. As a Vice President of the National Society, he knew that there had been a change in the practice in regard to the distribution of those funds.

LORD OVERSTONE said, he deprecated anything like religious differences when they were engaged in promoting the great and sacred object of national education. He believed that the contest was about symbols rather than about the real substance of the subject. All were anxious to educate the people, all were anxious that that education should be not tinged merely, but pervaded through all its parts, by religious principles; and he believed that the best system was one which equally assisted all sects to effect this object, leav-

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scendants, in some future generation, might exchange it for another? He wished to say a few words as to how the Parliamentary grant had been distributed. So far as the object of the Government was to prevent the application of any exclusive system of education, he entirely concurred in sentiment with the noble Earl; but his own inference from what passed was, that there was a struggle going on between the Committee of Council and the National Society; the former thinking it their duty to take measures to force the National Society to modify their rules by introducing a "conscience clause." This appeared to be at the bottom of the affair. He believed there was no need for the introduction of any such clause; but if the National Society should ever think fit, upon due consideration, to modify their rules, he personally should rejoice in the change. He regretted, however, that the Government appeared disposed to lay down a rule, which would have the effect, directly or indirectly, of subverting the principle of denominational education as at present understood.

LORD REDESDALE said, that even admitting that there was no new rule, still it was impossible for any one conversant with the subject not to see that there had been a considerable change in the practice of late years. He was not prepared to fix the precise period at which this change had taken place, but the grants to Church schools in connection with the National Society were no longer made in the same manner. It was utterly discouraging to those interested in the Church education of the people, to find that within the last few years the distribution of those grants should have been made on the principle introduced by the Committee of Privy Council. As a Vice President of the National Society, he knew that there had been a change in the practice in regard to the distribution of those funds.

LORD OVERSTONE said, he deprecated anything like religious differences when they were engaged in promoting the great and sacred object of national education. He believed that the contest was about symbols rather than about the real substance of the subject. All were anxious to educate the people, all were anxious that that education should be not tinged merely, but pervaded through all its parts, by religious principles; and he believed that the best system was one which equally assisted all sects to effect this object, leav-

ing it to each sect to teach the form of religion which it approved. He could speak on this subject from some personal experience. When he came into possession of a parish of some extent and importance, he found the schoolhouse in a dilapidated condition, and a jealous feeling amongst his tenants, many of whom were Dissenters of great respectability. To this contest he would not listen. He rebuilt the school at his own expense, supplied the funds for carrying it on (except the usual school pence), and then placed it in the hands of the clergyman of the parish—a man whom he knew to be of a conciliatory character and sincere in his desire for the promotion of education—enjoining him that it was for the benefit of all his tenants and of all the persons upon his estate, of whatever religious denomination; and that, while conducting it upon Church of England principles, he should never forget the kindly and the powerful influence of conciliation. No offensive placards were to be placed upon the school walls; he positively prohibited the hanging-up of boards which intimated in any form of superiority or triumph that Church of England doctrines were taught there; and the result, he believed, was that the schools were thriving and useful. Not a word did he hear about religious differences, and this end was attained simply by avoiding all offensive forms and symbols. If the same principles were generally adopted, he believed equally good results would follow, and the great cause of education would be promoted in the midst of religious harmony instead of religious bitterness.

**THE BISHOP OF LLANDAFF** said, the practice which had been referred to by the noble Lord was the system which had been adopted and followed by the National School Society throughout the land. It was the system throughout his diocese, at any rate. But if the practice complained of by his right rev. Friend (the Bishop of Rochester) became general, they would have no schools at all in our small rural parishes, and the complaint that those parishes were neglected would go unredressed. But, after all, the truth remained, that the only persons who assisted in building schools, and in maintaining them when built, were the Church people.

*Motion agreed to.*

House adjourned at a Quarter past Seven o'clock, to Friday, the 13th instant,  
Eleven o'clock.

*Lord Overstone*

## HOUSE OF COMMONS,

*Thursday, June 5, 1862.*

MINUTES.]—PUBLIC BILLS.—1<sup>o</sup> Harbours Transfer.  
2<sup>o</sup> Naval and Victualling Stores.  
3<sup>o</sup> Rifle Volunteer Grounds Act (1860) Amendment; Inclosure.

### DISTRESS IN IRELAND.—QUESTION.

**MR. MAGUIRE** said, he rose to ask the Chief Secretary for Ireland, Whether Mr. Horsley, Poor Law Inspector, has made his official Reports to the Irish Poor Law Commissioners, respecting the several districts in the west of the county Cork, which he lately visited, with a view to ascertain their condition; and whether there is any objection to lay such Reports before Parliament; also, whether he would object to lay before Parliament any Reports made to him by Mr. Horsley of the same districts?

**SIR ROBERT PEEL** said, Mr. Horsley had made the Reports which were specially desired of him; but he thought it would establish a bad precedent if the confidential communications of subordinate officers to Members of the Government were, as a general rule, submitted to Parliament. He did not wish, therefore, to lay any portion of those Reports on the table of the House.

**MR. MAGUIRE** said, the right hon. Baronet had not answered the first part of the Question, as to Mr. Horsley's official Reports to the Commissioners.

**SIR ROBERT PEEL** said, he should prefer not to lay them on the table of the House.

### COLONEL BENTINCK.—QUESTION.

**MR. CONINGHAM** said, he would beg to ask the Secretary of State for War, Whether Colonel Bentinck, of the Fourth Dragoon Guards, has been placed on Half Pay according to regulation, "by Medical Certificate"; and if not, why the new regulation of 1861, under which no officer has been allowed the privilege of being placed on Half Pay until after a service of twenty-five years as a Commissioned Officer on Full Pay, has in this case been disregarded and set aside? He also wished to ask, Upon whose advice the finding of the Court Martial has been rescinded, and Captain Robertson, who had been sentenced to be cashiered, has been sent back to his regiment, and Colonel Bentinck has been forced to retire?

SIR GEORGE LEWIS said, the retirement of Colonel Bentinck, had not taken place in pursuance of the terms of the warrant to which the hon. Gentleman alluded. The warrant would not have permitted an Officer to retire on half pay under the circumstances under which Colonel Bentinck had left his regiment. Of course it was competent for the Crown, which was the authority from which warrants issued, to dispense with it in cases in which an exception to the rule might seem desirable. On financial grounds the public would gain by the substitution of a junior for a senior Colonel, inasmuch as the latter was nearer his Major Generalship. In respect to the general question of superseding Colonel Bentinck, he would only remark that when a commanding Officer of a regiment appeared to be inefficient, and it was desirable to remove him, the action of the Commander in Chief would be seriously crippled if the step of insisting on that Officer's retirement were not resorted to. At the same time it would be most unfair to the Officer if he were not allowed half-pay. The hon. Gentleman seemed to treat the case of Colonel Bentinck as one of undue leniency.

MR. CONINGHAM: I beg your pardon. I think quite the contrary. I think it a case of undue leniency to Captain Robertson.

SIR GEORGE LEWIS said, he had certainly understood that that was the spirit of the hon. Gentleman's Question; at all events, it had been thought by some that undue favour and leniency had been shown to Colonel Bentinck, whereas he believed that the view taken by Colonel Bentinck himself was that he had been treated by the Horse Guards with extreme severity. Therefore, setting one opinion against the other, it might fairly be presumed that the course which had been taken was not far removed from the just one. As regarded Captain Robertson, the sentence of the Court Martial had been rescinded by the advice of the Commander in Chief, and he (Sir G. Lewis) held himself responsible for that step.

MR. CONINGHAM said, he would take another opportunity to call attention to the circumstances of this Court Martial.

#### WALTHAM (OR EPPING) FOREST. QUESTION.

MR. TORRENS said, he wished to ask the First Commissioner of Works, Whether the Commissioners of Woods and

Forests, with the sanction of the Lords of the Treasury, have sold to neighbouring lords of the manor the rights of the Crown in or over any portion of Waltham Forest (including what is known as Epping, Woodford, Wanstead, and Waltham Forests), other than the property and rights which the Act 14 & 15 Vict., c. 43, authorized the Commissioners to dispose of; if so, had the sanction of Parliament been obtained for such sale; and if so, what has been done with the proceeds; in the event of such sales having been effected, have considerable tracts of the Forest been enclosed, and has the sanction of Parliament been obtained for such enclosure; and if such enclosures have been made, have the rights long exercised by poorer foresters of feeding their cattle in the Forests been preserved, as well as those enjoyed by prescription by the working classes of the metropolis, of resorting with their families for recreation to all parts of the Forests?

MR. PEEL said, the rights of the Crown over the Forest were merely forest rights. The Crown had no property in the soil or timber, and had no power to devote any portion of it either to the purposes of common or of public recreation. The enclosure had been made by the Enclosure Commissioners under the Enclosure Acts, and not by the authority of the Crown.

#### THE STATE OF IRELAND.—QUESTION.

MR. VINCENT SCULLY said, he wished to ask the Chief Secretary for Ireland, The names of the several townlands in the county of Tipperary which are to be charged with the cost of maintaining ten extra police on account of the late M. Thiebault's murder. Will all occupiers of those townlands be subjected indiscriminately to such extra taxation; and is it expected thereby to stimulate local zeal in detecting the assassin?

MR. ROBERT PEEL said, it was intended to charge four townlands with the expenses of the extra police, but the matter was still under discussion. All occupiers would be charged except, as he had said before, the brother of the murdered man. As to whether it would stimulate local zeal to detect the assassin, the charge was in the nature of a penalty on the locality where the crime has been committed.

MR. VINCENT SCULLY wanted to know the names of the four townlands.

SIR ROBERT PEEL said, he could not give the names. They were, however, in the immediate locality of the murder.

MR. WHITESIDE said, he wished to know whether the rumours were well founded that there had been fresh attacks on property and life; whether any measures of repression were contemplated by the Government; and when the Special Commission would take place, or how soon before the Assizes, which commenced in the first week of July?

SIR ROBERT PEEL said, it was true that another unfortunate attempt at murder had been made in the county of Clare. The shot had passed through the gentleman's arm, but he was not killed. He did not know whether the assassin had yet been arrested, but the Government were taking every measure in their power to repress these deplorable acts. The Special Commission would issue some time between the 15th and 20th inst.

#### THE INDIAN BUDGET.—QUESTION.

MR. A. MILLS said, he wished to ask the Secretary of State for India, When it is likely he will make his statement on the finances of India; and whether he can lay on the table of the House any correspondence on the subject?

SIR CHARLES WOOD said, he was not at present in a position to name the actual time for that statement. The matter would come on as soon as he could find a day when there was no other pressing business. He was quite ready to lay on the table the correspondence which had taken place on the subject of Indian finance during the last twelve months.

SIR HENRY WILLOUGHBY said, he wished to know if the right hon. Gentleman was prepared likewise to produce any authentic account of the speech made by Mr. Laing?

SIR CHARLES WOOD said, he did not think it would be a convenient practice to lay on the table of the House reports of speeches made in the Indian Legislature.

COLONEL SYKES said, he would beg to inquire, whether the right hon. Gentleman did not know that Mr. Laing's statement had appeared in full in the *Bengal Hurkaru*.

SIR CHARLES WOOD said, he was quite aware of the fact. He need scarcely, however, remind the hon. and gallant Member, that although the speeches of the

Mr. Vincent Scully

Chancellor of the Exchequer were reported in *The Times*, those reports were not submitted to Parliament as official documents.

#### ADJOURNMENT OF THE HOUSE.

VISCOUNT PALMERSTON: Sir, I beg to move that the House, on its rising, do adjourn till Thursday next.

#### INDIAN COTTON.—OBSERVATIONS.

MR. BRIGHT wished to say, in reference to the answer of the right hon. Secretary for India, that under the present circumstances of a portion of the country, it was very important that the right hon. Gentleman should bring forward his Indian Budget at some reasonable period of the Session, when the attention of Members could be fairly directed to it. His hon. Friend the Member for Stockport (Mr. J. B. Smith) had given notice that he would call attention to the operations which were going on in India, with a view to promote the cultivation and greater export of cotton. It had, he understood, been agreed that that subject should not come on that evening; but it would be a great convenience if the right hon. Baronet would bring forward the whole question in such a shape that the House could discuss it in the manner so great a question deserved.

As far as he could gather, it did not appear that anything was really being done in India to promote either sensibly or speedily the cultivation of cotton in that country. He knew that all those persons in Lancashire who had turned their attention to the subject were grievously disappointed at the small progress that was being made in the matter. The right hon. Baronet appeared to have fallen into the error of some of his predecessors in thinking that the finance of India was a subject of no consequence—that it was a mere matter of form, which could be disposed of in the last week of the Session. At this moment, it was, in his (Mr. Bright's) opinion, a matter of the utmost importance; and he appealed to the right hon. Baronet to press upon his colleagues that this great question was at least of as much consequence as the Highways Bill, to which the House had given up too many nights this Session. If nothing were done in India, we should find that for two or three years to come the condition of Lancashire would be such as to cause the greatest concern to the House.

to create great embarrassment to the public finances, and to produce, perhaps, difficulties over the whole country greater than hon. Members anticipated.

#### DISTRESS IN CORK.—OBSERVATIONS.

MR. MAGUIRE rose to make an appeal to the good feeling of the noble Lord at the head of the Government on a matter which involved both public interests and his own private character. A sense of duty had led him on a number of occasions to bring before the House the very painful subject of the destitution which prevailed in certain parts of Ireland. On the last occasion he made several statements with regard to a particular locality in the county of Cork on the authority of a competent person whom he had sent down to that district to examine for himself the state of things that existed there. Before bringing the subject before the House, he placed the communications which he had received from this gentleman in the hands of the Irish Secretary, and desired him to inquire into their truth for himself. Mr. Horsley, a Government officer, was accordingly despatched to investigate the circumstances of the locality. In answer to his speech in the House the right hon. Baronet (Sir R. Peel) stated that Mr. Horsley visited Cape Clear and Sherkin, to which reference had been made, and reported, that although there was much distress there, it was not more than prevailed in ordinary seasons. Upon receiving that reply, he was, of course, to use a common phrase, "knocked over." A few days afterwards, however, he saw a report of a meeting which was held in the Union of Skibbereen, at which Mr. Horsley, in a report to the guardians, urged them to relieve the people in those islands, as otherwise they would certainly die, and he said that what he (Mr. Maguire) had stated was not in the least exaggerated, but was literally true. He was indebted to the courtesy of *The Times* for the opportunity of placing before the public a number of extracts from the statement of Mr. Horsley. Whether that officer had asserted what was not true, or whether the right hon. Baronet the Chief Secretary had garbled his report, he would not undertake to say; but he asked the Government to produce the report which the right hon. Baronet quoted in a recent debate. The right hon. Baronet said that it was a special and confidential paper; but, at any rate, he was justified

in vindication of his own truth and honour in demanding that the public report which Mr. Horsley made to the Poor Law Commissioners should be laid on the table. He did not address himself to the right hon. Baronet, but he appealed to the noble Lord at the head of the Government whether it was right for a Minister of the Crown to quote from an official document, and then to refuse to produce it. He trusted that the noble Lord's sense of justice and fair play would lead him to publish Mr. Horsley's report to the Commissioners; but, if it were refused, he should, of course, move for it on another occasion.

MR. VINCENT SCULLY said, he wished to make one or two remarks on the general state of the country. He should be very brief, for he knew that the hon. Members were much disposed to count out an Irish question. He thought that the appeal of the hon. Member for Dungarvan was a very proper one. He had read the report with regard to the Skibbereen union, and certainly its tendency was to support the statement of the hon. Gentleman opposite rather than that of the right hon. Baronet the Secretary for Ireland. He was himself well acquainted with the most notorious district in Ireland; and he never remembered a state of affairs so grave as that which at present existed there. The application of the Peace Preservation Act and the special Commission, so far from affording a remedy, operated as a positive mischief. He would not detail his reasons for so believing; for if he did so, he would not be understood; or if he were, his remarks would be treated by the House and the Government with that indifference amounting almost to insolence with which the opinions of Irish Members were invariably received. The occupiers of property in the neighbourhood in which M. Thiebault was murdered would, if properly applied to, have helped the police to detect the assassins, but they were deterred from doing so by indiscriminate taxation for the support of extra police. By sending these extra police they would impose a tax upon the district of £350 a year. Part of the property in the locality belonged to himself; and one of the tenants, a widow with six or seven children, who could not pay her rent, would be overwhelmed by this taxation. If the Government wished to pacify the country, let them take the opinions of the Irish Members; let them not govern Ireland with

a high hand, and by rules that were utterly exploded and repudiated for England ; let them govern Ireland as they governed England, and it would be as good as England, for it was quite as moral, except so far as its morality was affected by these agrarian outrages. He wished some one like the hon. Member for Birmingham, who could not be suspected of interested motives, would take up the question, and prevent Parliament separating for a week without applying a remedy. He did not hold the Chief Secretary for Ireland responsible for the present condition of the country, but it was remarkable that when Ireland had a quiet and conciliating Chief Secretary it was in a state of almost stupid tranquillity. He really thought Irish Members on both sides of the House would, without any disrespect to the Chief Secretary, join in petitioning the Government to let Ireland have back her late Chief Secretary, such as he was.

**VISCOUNT PALMERSTON :** I can assure the hon. Member for Dungarvan that I am satisfied no Member of the House imagined that in the controversy, if I may call it so, between himself and my right hon. Friend, any question arose as to the veracity of either of them. Each of them made statements founded upon information which he believed to be correct, and that is all that any Member of this House can be expected to do. It remains to be ascertained whose information was the best-founded. The hon. Gentleman wishes for the production of a report made by Mr. Horsley to the Poor Law Commissioners. I have not seen that document, and I am therefore unable to say whether there is in it anything which ought or ought not to be made public. I will call for it, and examine it; and when the House meets again, I will inform the hon. Member whether there are in it any names or other matters which it would not be desirable to publish, and whether the substance may be given without making public matters the publication of which he would himself admit to be objectionable. My hon. Friend who has just sat down (Mr. Scully) seems to wish that his countrymen should return to that state of stupidity, which, he says, is the only condition of mind in which Ireland is tranquil. I do not quite agree with him in that respect ; but, no doubt, the events which have recently occurred in that country are most deplorable ; they indicate something in the public mind of Ireland

which must take its rise from sources that ought not to exist in society. My hon. and learned Friend objects to certain measures which have been applied to Ireland, and he objects to them on the ground that Ireland ought to be governed according to the same method as England. But I would beg him to recollect that there is one material difference between the habits of the two countries. In England, when an atrocious crime is committed, all the population who can do so join in the endeavour to detect the criminal and bring him to justice. In Ireland, unfortunately, when these atrocious crimes are committed, all the population join in screening the criminal. From what cause that different habit in Ireland proceeds, from what secret influence that vicious temper of mind arises, I am unable to say ; but my hon. and learned Friend must see that when the habits of the population of the two localities are so diametrically opposite, it is impossible entirely to assimilate the modes of dealing with those localities.

**MR. WHITESIDE :** I do not think that the statement of the noble Lord is satisfactory. The Government is inefficient in Ireland because—without questioning the general popularity of the Government of the noble Viscount—his Government is unpopular in Ireland, and has not the confidence of any section of the people. I think he is mistaken in what he has said regarding the mode in which the Government of that country can be assimilated to that of England. I think the laws in the two countries can be assimilated. I think scant benefit is to be gained from special commissions. I think the steady, impartial, regular administration of justice by those well acquainted with the country will go far to restore tranquillity. But, at the same time, I venture to insinuate, with great respect, that it will be very difficult to govern Ireland in the same way as the Ionian Islands are governed—that is to say, with all the inhabitants of one way of thinking and the local Executive of another.

**LORD FERMOY** said, that having property in Ireland, he was unwilling that this subject should drop without having from Her Majesty's Government something more tangible and practical than the speech of the noble Viscount. Nothing could be more appalling than the present state of affairs in Ireland. Within the last six weeks there had been six or seven agrarian murders, or attempts at murder, in that country. And what had been the effect

*Mr. Vincent Scully*

of this? In the first place, innocent men's lives were sacrificed; in the next, property was depreciated to an immense extent. For every agrarian murder that took place in Ireland, every landowner's property was depreciated to the extent of a year's purchase at least. As to the occupying tenants, who were said to be the instigators of some of these hideous murders, and the perpetrators of others, what was the result with regard to them? If this state of things progressed much further, instead of being exceptional, it would become permanent, and extermination would become essential in order to vindicate the law. Surely that was a frightful state of things when the law could not be vindicated, when life was not safe, and when, in fact, the state of society was such as did not exist in any other civilized country. The noble Lord said there was a great difference between the state of social existence and of feeling in England and in Ireland; and in reply to his hon. and learned Friend (Mr. Scully) very properly pointed this great distinction, that in England, if a crime was committed, every man's hand was against the criminal; whereas in Ireland, every man's hand, so to speak, is raised in order to protect him. No doubt there was in Ireland a great connivance on the part of the neighbours of those who committed crimes. The noble Lord ought not to stop after stating these two propositions, which no one denied. Why not inquire into the cause of the state of society being so different in Ireland to what it was in England? That was a proposition which a statesman ought to apply himself to solve. Who were the classes in Ireland who could, if they liked, put down agrarian crime by arresting the criminals? It must be the residents in the country. Now, in the south of Ireland, where crime was so prevalent, who were the residents? They were, first, the landed proprietors and the local magistrates; secondly, the farmers who tilled the land; thirdly, the Roman Catholic clergy. He would ask the right hon. Baronet the Secretary for Ireland what had been done in Ireland to enlist any one of these classes on the side of the law? With regard to the resident magistrates, who ever heard till this evening—when he heard the right hon. Baronet say he had consulted a resident as to which of three Crown lands should be mulcted for this crime—who ever heard in Ireland—though these agrarian outrages had lasted a considerable time—who ever

heard of the Government inviting even lieutenants of counties to come to Dublin and give advice to the Executive? Had what was regarded by some as a bugbear, the Irish Parliament, been in existence, it would have been called together and consulted as to what they would do in order to check the progress of crime in the country. With regard to the local magistrates, they were completely superseded by a system of governing in bureaus. No one ever heard of a local magistrate being consulted, as long as there was a stipendiary magistrate in the neighbourhood. The result was to keep away a body of men who possessed a complete knowledge of the country; the lieutenants of counties and the local magistrates were entirely ignored by the Government, who put themselves in the hands of the stipendiary magistrates and the police. The result was, that murder after murder was committed, and the murderer could not be discovered. As to the occupying tenants, there had been much of unfair dealing with them. He did not mean to say that they had not had exorbitant notions of what was "justice to Ireland"; but year after year there had been legislative sanction to the notion of the possibility of giving them what they wanted, namely, fixity of tenure; till at last a measure was passed for regulating the relations between landlord and tenant, which was so futile and ridiculous that he believed no landlord or tenant in Ireland had ever made use of it in any shape or form. As to the last class—the Roman Catholic clergy—agrarian crime and disturbance would never be put down, until by some means or other the Government placed itself more in accord with that body of men. The right hon. Baronet the Secretary for Ireland—how did he stand with regard to that body? He entertained opinions on the subject of education very similar in theory to those which he (Lord Fermoy) himself held, and therefore he did not mean in any way to attack his views on that question. But it was one thing to differ from a body of men and another to insult them. We all knew how much the Irish people looked up to and respected their clergy, and how much the subordinate clergy looked up to their superiors in authority. Any statesman, therefore, who knew what an important body of men the Catholic priesthood in Ireland were, would be much more disposed to put himself into friendly communication with them than to affront them. Well, the right hon. Baronet went over to

Ireland as Chief Secretary, and before he had been one month in the country he put a personal insult on the head of the Roman Catholic clergy in Ireland—an insult which was aggravated by being given in the very centre of Orangeism. And what was the result? The majority of the people of Ireland had come to the deliberate opinion—however wrong it might be in point of fact—that the right hon. Baronet was acting as agent of the Government, and that he was sent over to Ireland to get up a quarrel with the whole body of the Irish Church. Many Roman Catholics then gave up their support of the national system of education. After that a season of great distress occurred in the country—such distress as he (Lord Fermoy) had not seen since the time of the famine. If any of the people of Ireland sympathized with criminals in that country, such a feeling had been produced by the mismanagement of those who ruled in Ireland. It had been said that the policy of the Government with regard to Italy was the cause of the feeling in Ireland towards the Government; but there never was a greater fallacy than that. There were large bodies of men in Ireland among the Roman Catholic laity who sympathized sincerely and honestly with the Italian people, in their struggles to obtain self-government. If Ireland had been dealt with as Canada, and the other Colonies had been dealt with, there then would have been no feeling against the Government. The Roman Catholic clergy of Canada were favourably disposed towards the British Government, because the Roman Catholics there had been dealt with with even-handed justice. Instead of that, however, Ireland had been dealt with under the old system of exclusiveness in that country; but if Ireland were to be treated as Canada was, the Government would soon have reason to be proud of her, and every Irishman to be proud of his country.

SIR GEORGE BOWYER said, the noble Lord (Lord Fermoy) seemed to imply that the efforts of the Roman Catholic clergy for the repression of crime depended on the degree of courtesy they received from Her Majesty's Government. That was certainly not the case. They used every effort to repress crime, as was their duty as ministers of the Gospel; and if they were ever so much insulted by the Government, they would continue to do so. The steps taken by them in reference to

*Lord Fermoy*

secret societies were sufficient to show that. But he agreed with his noble Friend who had just sat down, that the policy of the Government towards those bishops and priests was unwise and unstatesmanlike. The Government had endeavoured to blind themselves to the fact that Ireland was a Catholic country. He said "a Catholic country" advisedly, because law could not make a country one religion when the majority of the people professed another. Canada was treated as a Catholic country, and there was always a spirit of loyalty there. In Ireland, the Ecclesiastical dignities of the heads of the Roman Catholic Church were declared to be illegal; and if Her Majesty went to Dublin, it would be impossible for the Bishops and clergy of that Church to approach the Throne, because the dignities and the spiritual powers which they wielded were not only not recognized by the law of England, but were denounced and declared illegal by that law. The Ecclesiastical Titles Act and the penal clauses of the Emancipation Act were, it is true, a dead letter, because they could not be enforced, as they were directed against matters of opinion. Such laws ought to be repealed. The clergy of the Catholic Church enjoyed their titles from a higher authority than the Government. They derived them from the same authority as originally created the Arch-bishopric of Canterbury, the Arch-bishopric of York, the Bishopric of London, and all the Bishoprics of the Protestant Church. He meant the authority granted by our Lord to St. Peter and his successors. The Parliament could not overrule such an authority, and Ireland would not be satisfied until the law rendering illegal the dignities of the Catholic Church was repealed.

MR. LEFRAY said:—Sir, no Member of this House regrets more than I do that the affairs of Ireland should be dragged before the House on every possible occasion. I am as anxious as any one could be that the affairs of that country should be fairly and properly considered; but I think that there are certain times when it is right to bring subjects like the present under the notice of the House, and that this is not one of them. It is from a feeling that Irish matters are too frequently and unnecessarily brought forward, in a way which very much intrudes upon the public time, that when such subjects are discussed I very rarely address the House. But feeling that I have as great an interest in

that country as any hon. Member present, and that, from the circumstance of residing there, I have a right to express my opinion respecting it, I must venture on this occasion, when statements are made as to which I entirely differ, to trouble the House for a few moments. I feel I should not be discharging my duty if I allowed some observations which hon. Members have thought proper to make to remain unnoticed. My noble Friend opposite (Lord Fermoy) appears to me to have made, on this occasion, a most rambling speech. He has alluded to the unhappy condition of Ireland, and to the murders and other crimes which have recently taken place, and with respect to which I entirely agree in the sentiments of indignation which he has expressed. But, Sir, I cannot agree with him in the conclusions to which he has come on these subjects. He certainly has taken a very wide range in looking for the cause which has led to these murders. He commenced by doing that which has been, of late, so frequently done in this House—attacking the police. He has represented the police as an inefficient and useless body of men for that country, so far as repressing crime is concerned. I do not stand up entirely to defend the existing system of police in Ireland. It may be capable of improvement; and if it can be improved, I trust her Majesty's Government will turn their attention to the subject, with a view to introduce into that force such changes as they may consider beneficial. I must say, however, that it does not appear to me that this is a time to attack the police, when crime is rife in Ireland, and when, instead of attack, they require all the support and assistance that can be extended to them. The noble Lord (Lord Fermoy) also made an attack upon the police magistrates, who, he states, have altogether superseded the local magistrates. Well, there may or may not be some cause to find fault with that; but I do not see that my noble Friend has pointed out to Her Majesty's Government any course to pursue that would be at all suitable to the case. What does he propose? His proposition is that all lords lieutenant of counties—men whose views and ideas upon the subject may entirely and widely differ—should be brought up to Dublin in order to consult upon a matter which it is peculiarly the duty of Her Majesty's Government to deal with—namely, the best means of preserving the peace of the country, and affording protec-

tion to life and property. As to that suggestion, I cannot for a moment agree with the noble Lord. But, Sir, the most important subject to which he has alluded has reference to the Roman Catholic clergy, and that subject has been dealt with in a still wider manner by the hon. and learned Baronet the Member for Dundalk (Sir George Bowyer). He has gone far beyond my noble Friend, and has expressed opinions which, I am sure, many hon. Members in this House are very sorry he gave utterance to. I cannot help saying that holding up the Roman Catholic clergy as the men by whom and through whom the peace of the country is to be preserved, is a doctrine to which I can never subscribe. I should be sorry, if anything were wrong with the Protestant laity of Ireland, that her Majesty's Government should call upon the Protestant clergy to have the peace kept by their congregations. I believe it is the province of the Government to take measures for the preservation of the peace, and the duty of the clergy to attend to spiritual matters. I am exceedingly sorry that, with respect to the Roman Catholic clergy, I cannot agree in some of the opinions expressed this evening; and I do not say this from any feeling of prejudice, or from any unwillingness that they should have every consideration. But, Sir, I speak of them from the documents which they have issued. A proclamation was lately issued in Dublin by the heads of that Church, which has been sent to myself, and, I suppose, to other Irish Members of Parliament. It appears to me that the Roman Catholic hierarchy have been most unfortunate in their selection of subjects. They first allude to the subject of education. The National system of education in Ireland is not a very popular system, but certainly I cannot at all agree in the views they express. They then introduce a matter not at all relevant, and upon which, on this occasion, I do not wish to enlarge; but this much I will say, that if it is said that these are the persons to whom we owe gratitude for the peace of the country, I am exceedingly sorry I cannot concur in the statement. They allude to the land question, and say that its present condition has too much contributed to the unfortunate condition of Ireland. Now, Sir, it appears to me to be a very grave thing that gentlemen holding such a position, who should be the teachers of religion, the inculcators of good-will towards men, who

should be the first to impress upon the people their duty to obey the law, should hold out to the people that their crimes are to be excused in any way on account of the condition of the land question. I have risen, on this occasion, to protest against the doctrine that we are to be grateful to those who issue such documents, for preserving the peace of the country. I cannot at all agree in the attack that has been made on the Irish portion of the Administration. It has been stated that my right hon. Friend the Chief Secretary for Ireland said in his place in this House that there was no distress in Ireland. Sir, I was present on each occasion when the subject was under discussion, and I can state positively that he never said any such thing. [Sir ROBERT PEEL : Hear, hear.] The right hon. Baronet stated that the accounts of the distress had been greatly exaggerated ; and if it be necessary to bring forward proofs that that statement is a correct one, I am prepared to do so. I do not intend to make any observations with respect to the speech of the hon. Gentleman the Member for Dungarvan. It may be, as he stated, that the documents to which he referred should be produced ; but I certainly think, that if the production of them is at all calculated to do harm to individuals, or to be attended with any other bad consequences, they ought not to be laid on the table of the House. In the present state of the country I do not think it is fair or reasonable for hon. Members to come forward on every occasion, and ask her Majesty's Government to produce documents, which, if produced, might be attended with dangerous consequences to individuals. I do not say that it is so on the present occasion, but I say that her Majesty's Government ought not to be attacked for not producing documents when no sufficient reason is given for producing them. I wish to say so much with respect to the observations made by hon. Members, and I cannot help again expressing regret that these matters should be so frequently dragged forward, and that remedies so ineffectual and so unsuitable should be proposed.

LORD FERMOY wished to explain that the hon. Gentleman had misunderstood what he had said about the police in Ireland. He had found fault with the Government for putting the police over the heads of the local magistracy, but that was not the fault of the police.

SIR GEORGE GREY said, he did not wish to prolong this somewhat desultory

*Mr. Lefroy*

conversation ; but he wished to remark that, whatever were the causes of the recent lamentable acts of murder and agrarian outrage in Ireland, there could be but one feeling among the Members of that House in regard to them—that of abhorrence of the crime and the desire that additional security might be afforded to life and property. The hon. Gentleman who had just spoken had correctly declared that it was the duty of the Government to take measures for that purpose. The Government had done, and were doing, all in their power ; and he was not aware how they could take any further measures without proposing some special legislation, conferring extraordinary powers, which they did not think it their duty to do. The police were actively employed in endeavouring to detect the perpetrators of crime, and their exertions had been attended in many cases with prompt success. A Special Commission had been issued for the speedy trial of prisoners, where the Government had reason to think a conviction could be reasonably hoped for. The right hon. and learned Member for the University of Dublin had recently pressed the Government to issue a Special Commission. [Mr. WHITESIDE expressed dissent.] At all events, the right hon. Gentleman had asked whether the Government were going to issue a Special Commission. His (Sir George Grey's) reply was, that such a question was premature, and that it would depend upon the evidence which the Law Officers of the Crown were able to collect. If that evidence were sufficient to justify the Government in placing the persons apprehended on their trial, he stated that a Special Commission would be issued on the earliest opportunity. It was gratifying to the Government to hear from the noble Lord the Member for Marylebone (Lord Fermoy) that the Italian policy of the Ministry had nothing to do with their supposed unpopularity in Ireland ; and that the great body of the Roman Catholic laity as fully sympathized with the people of Italy in their struggle for freedom, as did the great body of the people of England and Scotland, and to find that the hon. and learned Member for Dundalk (Sir George Bowyer) had not denied that statement. He was glad to learn, on such good authority, that there was such a generous feeling of sympathy for the Italians among the people of Ireland. The noble Lord, however, complained that the local magistracy in

Ireland had been supplanted by the police magistracy. The statement was incorrect. The police magistracy had been established many years ; they were under the direct orders of the Government ; they were bound to obey the directions they received from them for the repression of crime, and to report to them the condition of the districts in respect to crime. He had, however, never heard that the local magistracy were prevented from assisting the police magistrates in the discharge of their duty ; and he knew that in many cases they had rendered useful assistance. He had heard with great astonishment the statement made by the noble Lord, that the conduct of the Roman Catholic priesthood of Ireland had been influenced by a speech made by his right hon. Friend the Chief Secretary at Derry. It was, he believed, most unjust to them to say that any speech would produce such an effect. He need not say that there was no intention whatever in that speech to insult any Roman Catholic prelate or priest ; and even if there had been, he could not think it would induce the Roman Catholic priesthood to look on with indifference, and not do their utmost to check that system of assassination and murder, which was a disgrace to a country with any degree of civilization. His noble Friend (Lord Fermoy) then spoke of the land question, which he said was one great cause of disorder in Ireland ; and that the people of Ireland had been grievously disappointed by the rejection of measures introduced in reference to that question. It was true that during the last few years independent Members of the House had laid on the table of the House measures with respect to the tenure of land involving principles which the Government could never sanction. Nothing could be more mischievous, or more likely to perpetuate the present state of things in Ireland, than leading the people to entertain false expectations with respect to the land question. He hoped that no such notions would arise, and that no portion of the people of Ireland would suppose, that by a system of disgraceful and cowardly assassination they would force the Government to adopt a particular course of legislation. The right hon. Gentleman the Member for the University of Dublin seemed to think that the present unhappy condition of affairs would be remedied by his return to the office of Attorney General, which he so efficiently filled ; but if

tranquillity was to be restored on the terms mentioned by the hon. and learned Baronet the Member for Dundalk (Sir G. Bowyer), namely, a repeal of the Ecclesiastical Titles Act, and the placing of the Roman Catholic clergy of Ireland on the same footing as the Roman Catholic clergy of Canada, he asked the right hon. Gentleman, Was he prepared to go that length ? But it was not the existence of one Government or another that caused these murders. The extravagant idea which existed in the minds of a portion of the Irish people with respect to the rights of tenants holding land was—he would not say the cause of all these crimes, but to some degree connected with them, and at all events they were irrespective of the religion of the victims ; for in the majority of instances lately the sufferers were Roman Catholics. The last thing the House would sanction woulud be a change in the law giving to the tenants fixity of tenure, and possession of the land irrespective of the rights of the landlords. Those rights should be exercised with judgment, moderation, and justice, and he trusted that in the majority of cases they were so exercised ; but nothing could justify the acts which had been committed. The Government had taken all the means in their power for the apprehension and bringing to justice of the offenders, and he hoped the result would show that the law was strong enough to repress crime without the necessity for applying to Parliament for extraordinary powers.

MR. WHITESIDE said, that what he had asked was, Whether the Special Commission was about to be issued on the eve of the assizes ?

COLONEL FRENCH said, he should not have risen but for the statement of the noble Lord (Viscount Palmerston), that the people of Ireland were naturally inclined to screen murderers. To that statement he gave the most strenuous denial. There might be a semblance of a desire to screen offenders against the law ; but it was the consequence of the state of fear in which they lived. There was no protection for any man. They were ruled by an old and effete stipendiary magistracy and a military police, and they felt that the Government did not give them the protection to which they were entitled. The Government would only receive reports of the state of the country from the stipendiary magistrates. This, and all the Governments before it, had re-

fused to put any trust in the people. If the people were properly treated, they were ready and willing to protect themselves and their families, and to put down aggressors against the law with a strong hand. Some years ago several murders were committed in the county of Roscommon; the people formed themselves into a body for the protection of the part of the county threatened, and patrolled the district without the assistance of the police every night. He had himself done so every night for six weeks. The whole thing was crushed out, and nothing like it had occurred from that day. If the Government could be persuaded to understand and trust the Irish people, such complaints as they had heard to-night would not continue to be made.

MR. COGAN believed, that the drift of one of the observations of the noble Lord the Member for Marylebone (Lord Fermoy) had been misunderstood, for he was understood to intimate that the only effectual method of detecting and arresting crime was through the agency of the Roman Catholic clergy, and that they had abstained from interfering in consequence of some foolish speech which had been made by the right hon. Baronet the Chief Secretary. He altogether repudiated such an argument. He was quite sure that no speech could tend to relax the efforts of the Roman Catholic clergy to repress crime, and that they would not be influenced in the performance of their duty by any act of the Government or their representative. The efforts of Parliament ought to be directed towards strengthening the hands of the Government in their efforts to remove the stigma which now rested on Ireland; and he believed that the law officers of the Crown would not have advised the issue of a Special Commission if they had not sufficient reasons for believing that they had sufficient evidence to ensure convictions, because, if convictions did not follow, the step which had been taken would be productive of evil rather than good.

Lord FERMOY explained, that he did not attribute to the Roman Catholic clergy that they were accessory to these horrible crimes. In his argument he had endeavoured to account for the very widespread disloyalty to the law which existed in Ireland; and he said that one of the reasons for it was that the right hon. Gentleman the Chief Secretary pursued a particular policy with respect to the heads of

the Catholic Church and the Catholic clergy generally, which they believed to be a fixed policy of the Government, and which had given occasion for general discontent.

MR. NEWDEGATE said, he was glad to hear from the noble Lord the Member for Marylebone, that a large body of Roman Catholic opinion sympathized with the policy which had been pursued by Her Majesty's Government, and that there was a wide-spread sympathy amongst them for their co-religionists in Italy in their efforts to acquire that freedom to which they had proved themselves so fully entitled. The remarkable fact which had been admitted during the debate which had taken place, was that several of the persons who had recently been murdered in Ireland were Roman Catholics. Coupling these two facts, and remembering the spirit which animated the hon. and learned Baronet the Member for Dundalk (Sir George Bowyer), and the fact that he represented the opinions and purposes of the Ultramontane and dominant party of ecclesiastical Rome, it must be quite apparent to the House, that there were in Ireland persons at the head of the Roman Catholic hierarchy who wished to force on the Roman Catholics of Ireland claims on their part and submission on the part of others to which many Irish Roman Catholics were as adverse as the Italians were to the temporal power of the Pope. And it was a remarkable fact, that in speaking on the subject of these murders, the hon. Baronet should stipulate that certain concessions should be made to the hierarchy of the Roman Catholic Church in Ireland, in order to induce them to exercise their influence to mitigate those atrocious evils. [Sir G. BOWYER: No, No!] He (Mr. Newdegate) was speaking in the recollection of the House of what had become manifest during the debate. The hon. Baronet said plainly that these Roman Catholic bishops—he (Mr. Newdegate) rather believed that he might more properly have said that the Legate Dr. Cullen—claimed to exercise in Ireland an authority higher than that of the Imperial Legislature; the impression on the mind of the hon. Baronet evidently being, that this high authority would not be exercised for the preservation of life and property unless Parliament succumbed to that which the hon. Baronet described, and claimed should be considered, as a higher authority in matters temporal than the Imperial Parliament! ["No, No!"] The hon. and learned Member for the University of Dublin (Mr. Lefroy) had

shown that that high authority claimed, not only to interfere with matters of etiquette, such as the assumption of Episcopal titles forbidden by the Ecclesiastical Titles Act, but also with the social and temporal interests involved in the relations of landlord and tenant; and when the House remembered that these outrages were agrarian outrages, and coupled this fact with the declaration which had been made by the hon. Baronet the Member for Dungarvan, he thought that every honest-hearted and loyal Roman Catholic in Ireland, and he was sure that every faithful Protestant in England, would feel it his duty to support the Government in whatever measures they might think necessary for the preservation of life in Ireland, and in arresting the intrusion of the temporal authority of the Papacy on such terms into the sister country.

#### ROYAL WARRANTS.—QUESTION.

MR. DARBY GRIFFITH, referring to an expression of the Secretary of State for War in answering the question as to Colonel Bentinck's retirement, wished to know, Whether the Crown had the power of dispensing with the provisions of a Royal Warrant? because he had always deemed the Royal warrants to express the laws of the army.

SIR GEORGE LEWIS said, the government of the army was subject to two authorities—one was the authority of Acts of Parliament, and the other the authority of the executive Government, as expressed by warrants under the sign manual. The Government, equally with the Crown, were bound to carry out the provisions of an Act of Parliament; but there was a certain discretionary power in giving effect to warrants. The regulations made from time to time by Royal warrants were generally carried into effect; but it was clearly competent for the Crown, by whom those warrants were issued, to make individual exceptions to the rules and regulations which they contained. In this case the Crown had been pleased to do a single act which, unquestionably, was not provided for by the warrant to which reference had been made; but he apprehended there was no doubt of the legal power of the Crown to do it.

MR. DARBY GRIFFITH wished to know who was responsible.

SIR GEORGE LEWIS said, the Secretary of State was responsible to Parliament.

Motion agreed to.  
House at rising to adjourn till Thursday next.

#### SUPPLY.

Order for Committee read.  
Motion made and Question proposed,  
"That Mr. Speaker do now leave the Chair."

#### CHANGE OF NAME WITHOUT ROYAL LICENCE.—QUESTION.

MR. ROEBUCK: Sir, I wish to explain the circumstances under which the notice on the paper which stands in my name was given. It appears there is a young gentleman in Wales of the name of Jones. This young gentleman was lately seized with a desire to change his name, for which a variety of motives might be suggested. Probably the sort of reputation which Brown, Jones, and Robinson have obtained conduced to that wish on his part. He assumed the more aristocratic name of Herbert, and, under legal advice, made it public to all the world by advertising that he had taken this step. Like a great many other gentlemen in this country, he was exceedingly anxious to pay his respects to his Sovereign; but was informed that he could not do so, because he had changed his name without Royal licence. Like the rest of his countrymen, he was desirous of giving his aid to the protection of his country, and of joining the militia; but Lord Llanover, the Lord Lieutenant of the county, informed him that he could not have a commission in the name of Herbert, because his name was Jones. There still remained that honourable course of usefulness which belongs to our English country gentlemen, and he wished to have his name put on the commission of the peace. The Lord Lieutenant, however, declined to apply to the Lord Chancellor to insert his name in the commission, for the same reason which I have just mentioned. It has been said that the Home Secretary used his high authority to assist the Lord Lieutenant in preventing this young gentleman, in these three separate instances, from indulging his very proper desires as a country gentleman. I hope that is not the case, as I should be sorry to see the power of the Secretary of State used for the purpose of personal spite, or of aiding any body of public functionaries in obtaining fees for useless forms. I lay it down as a rule of law that every man in this country has

the right to take what name he pleases, and I will quote my authorities for that assertion. The following have been the decisions of eminent Judges of courts of law respecting the change of surnames:—

“That any person may take any surname, and the law recognizes the new names when assumed publicly and *bond fide*.”—Chief Justice Tindal (1 *Bingham, N. C.* 618, &c.)

“That no Act of Parliament, or Royal licence, is needed in order to sanction a change of name, unless a new name is directed by a donor of land, or money, to be assumed by the donee, with such or some other particular sanction, and subject to the forfeiture of the donation if the name should not be assumed in the manner directed by the terms of such conditional donation.”—Lord Chief Justice Tenterden (5 *Barnwell and Alderson*, 555, &c.)

Lord Tenterden’s words are these—

“A name assumed by the voluntary act of a young man at his outset into life, adopted by all who know him, and by which he is constantly called, becomes, for all purposes that occur to my mind, as much and effectually his name as if he had obtained an Act of Parliament to confer it upon him.”

“That when a name is assumed by Royal licence it is so assumed by the act of the person taking the name, and the name is not conferred by the licence.”—Lord Chancellor Eldon (15 *Vcrey's, R.* 100).

“That the effect of a Royal licence is merely to give publicity or notoriety to the change of name.”—Chief Justice Tindal, &c. (1 *Bingham, N.C.* 618).

“That when, by any Act of Parliament, Judges have the control of a particular roll of names, they will, on change of name, direct the new name to be added to the roll, though such name has been assumed without a Royal licence, and by the mere act of the person whose name is on the roll.”—Chief Baron Pollock, &c. (22 *Law Times*, 123).

This was the case of an attorney who, having changed his name without Royal licence, applied to the Court to have his name altered accordingly on the roll of attorneys, and had his claim allowed. The following opinions have also been given:—

“There is no special law governing surnames. To establish or recognise an aristocracy of names—or of names licensed by the Crown in opposition to names assumed without such a licence—would be a folly of the most contemptible kind. All persons, of all degrees, may change their surnames when they please. Asking for the licence of the Crown to change a name is a modern practice. It is a voluntary intrusion, which is simply to be well paid for.”

“It has been said that persons are not received at Court if their names are changed without a Royal licence. There is nothing to sustain this opinion. All public functionaries are obedient to the law, and no public officer connected with the Court would assume to establish or to suggest a rule contradictory of what the Judges have declared to be the law, unless he were a Lord

*Mr. Roebeck*

Chamberlain of the type of Polonius or a Court fool.”

When I look around me in this place, I observe many persons who have, I know, changed their names, and have had that change recognised and admitted by the House. It is therefore a principle which is recognised both by the courts of law and the House of Commons. It happens, I believe, that Mr. Jones, of Clytha, has a cousin of an elder branch, who married the daughter of Lord Llanover, and thereupon changed his name to Herbert, in the belief that it was a name which the clan Jones might properly assume. When this took place, it is said that Lord Llanover wrote to Mr. Sidney Herbert, asking whether he had any objection to it. Mr. Sidney Herbert’s reply was, that—

“He could oppose no impediment to the assumption of his family name, but that he hoped it was not the intention of all persons of the name of Jones in Wales to become Herborts.”

Lord Llanover supposed, I presume, that that terrible change of names which Mr. Herbert apprehended had fairly set in when the second Mr. Jones took the same course as the first. But whatever might be Lord Llanover’s fear, he had no right to adopt the course he has done. The young gentleman had a right to call himself Brown if he chose. He chose to call himself Herbert, and in consequence of his audacity in taking upon himself the same aristocratic name which had been adopted by his son-in-law, Lord Llanover interferes with all the power of the Lord Lieutenant, and enlists into the service the greater power of the Secretary of State. I think that this is a very disgraceful proceeding, one to which the right hon. Gentleman ought not to have lent himself, and to which I hope that he has not lent himself. I want to see any lawyer bold enough to stand up in his place and say that to a change of name a Royal licence is necessary. I wish, therefore, to ask the Secretary of State for the Home Department, Whether he is aware that Mr. Jones, of Clytha, has assumed the name of Herbert without a Royal licence? Whether he is aware that, in consequence of such change of name without Royal licence, the Lord Chamberlain has refused to permit him (Mr. Jones) to be presented at Court? Whether he is aware that for the same reason the Authorities at the Horse Guards have refused to sanction the appointment of Mr. Jones to the Militia in the name of Herbert? Whether he

is aware that he has himself refused to ask the Lord Chancellor to place Mr. Jones, in the name of Herbert, on the Commission of the Peace because he so changed his name without Royal licence? And whether he is aware that such conduct on the part of the Lord Chamberlain, the Authorities at the Horse Guards, and himself, is contrary to law?

SIR GEORGE GREY: I have taken no part whatever in reference to this matter, except to acknowledge the receipt of a letter from Lord Llanover, the Lord Lieutenant of the county, transmitting me his correspondence with Mr. Jones. The hon. and learned Gentleman has first asked me whether or not Mr. Jones, of Clytha, has assumed the name of Herbert without Royal licence. I do not know whether he has or not; all I know is that he has not applied for a Royal licence to change his name. I am not aware that the Lord Chamberlain has refused to permit him to be presented at Court in consequence of such change of name, nor do I think that such can be the case, because the change of name took place in March, and there has been no opportunity for his presentation at Court since that time. I believe I may answer the next Question also in the negative, because I do not know that the case has been before the Horse Guards. The names of officers of the Militia are submitted to the Queen upon the recommendation of the Lord Lieutenant, who, in this instance, I believe, refused to give that recommendation. I have not refused to ask the Lord Chancellor to place Mr. Jones on the commission of the peace, and never had any application from Mr. Jones that I would do so. The practice is for the Lord Lieutenant to recommend county magistrates; such recommendations never go through the office of the Secretary of State. I was wholly unaware of the circumstances of this case except from a letter which I received from Lord Llanover, dated the 11th of March, in which he forwarded to me a copy of the correspondence between himself and Mr. Jones; but I am requested by Lord Llanover to state that he did apply at the office of the Secretary of State to know whether Mr. Jones had made an application for a Royal licence to change his name, when he was informed that he had not; and he also inquired whether commissions must be made out in the real names of the persons to whom they are granted, in answer to which he was told

that they must. There is no doubt that a gentleman may change his name; and if the change is permanent, and is sanctioned by the usage of such a length of time as to give it a permanent character, may receive a commission in his new name. It appears, however, from the correspondence in this case, which the hon. and learned Gentleman is welcome to see if he pleases, that in the first instance Mr. Jones asked to be recommended for a commission in the Militia. The Lord Lieutenant undertook to make the recommendation; but he afterwards received an intimation that Mr. Jones wished the recommendation to be suspended until he was of age. With that request the Lord Lieutenant complied; and on the 22nd of last December Mr. Jones wrote to say that his father had expressed a wish to change his name to Herbert, and he therefore requested that the Lord Lieutenant would obtain his commission in the name of Herbert, instead of in that of Jones. Although the law is as stated by the hon. and learned Gentleman, and a *bond fide* change of name, intended to be permanent, and sanctioned by public notice and usage is valid, it is not competent to any one to write to the Horse Guards on Monday, and say, his name being Jones, that he wishes that in the next *Army List* it should appear as Herbert, and on Tuesday say that he desires to be called Robuck, or anything else. If this gentleman's father has taken the name of Herbert, and if he is generally recognized as Herbert, there may at some future period be no objection to place him in the commission under that name. Step-children are often brought up under the name of their step-parents, as was the case with those of the late Admiral Sir Charles Napier; but that is a very different thing from a gentleman saying, "I will take a new name, and I require that my new name shall be used in all public documents." I believe the law to have been correctly stated; but I do not think that there is sufficient certainty about this matter to permit an application for a commission in the name of Jones to be made out in the name of Herbert.

MR. DENMAN said, that he had been requested by the friends of this gentleman to state that these Questions had not been asked at his suggestion, but, on the contrary, that he was rather anxious that the matter should not have been brought before the House. Mr. Jones, having determined to take the name of Herbert, in-

quired in the proper quarters whether a Royal licence would be granted. He was informed that such licences were not granted unless some question of property was involved, and that therefore he would not be likely to obtain one. He felt that this was rather hard, because in the case of the other Mr. Jones a Royal licence had, as he supposed, by the interest of Lord Llanover been obtained. He then executed a deed, which he had solemnly enrolled, declaring that he had determined to take the name of Herbert, he advertised the fact in the newspapers, and sent circulars to his friends in the country, and did everything he could in default of obtaining an Act of Parliament or a Royal licence. After what the right hon. Gentleman had said, he trusted that nothing further would be heard about the matter.

**COLONEL CLIFFORD** thought that the simple word of Lord Llanover would be sufficient to satisfy the House that he had not acted improperly in this matter. He would read the following letter, which he had received from the noble Lord :—

"Llanover, June 1.

" My dear Clifford,—I observe by the papers that Mr. Roebuck has given notice that he will put several questions in relation to a matter connected with this county. The facts are these, as far as I am concerned as Lord Lieutenant. In December last Lieutenant-Colonel Vaughan, commanding the Royal Monmouth Militia, requested me to submit for the Queen's approval the name of Mr. William Reginald Jones for a commission then vacant in the regiment. This I consented to do, and directed the clerk of the lieutenancy to inform Mr. W. R. Jones of my intention to comply with his wishes so expressed. Mr. Jones, in reply (dated December 23), requested that his name might not be submitted until February, when he would be of age, as his father had expressed a wish to that effect. The matter was therefore delayed. On the 18th of February Mr. Jones again wrote to the clerk of the lieutenancy, stating that he attained his majority two days previously, and requested him to obtain the insertion of his name in the *Gazette* as Herbert, instead of Jones, which he had heretofore been called, as, on his coming of age, his father had determined to abandon the name of Jones. Having only seen an advertisement in the county papers, and a printed notice circulated in the county by Mr. Jones, the father, stating that he and his family had assumed the name of Herbert, without any authority being cited for so doing, it became my duty to ascertain whether the Queen had been pleased to grant her Royal licence and authority that Mr. Jones and his family might take and use the name they had assumed. I was informed that Mr. Jones had made application at the Herald's College, and had failed to obtain that which he sought for. I also applied at the Home Office, and was informed that no such licence had been granted, and that all commissions must be made

out in the real name of the party to whom they were granted. I therefore directed the clerk of the lieutenancy to write to Mr. W. R. Jones accordingly, and also to inform him, that although I could not submit a name which he had assumed without Royal authority, as, if I did so, I should act in direct interference with the prerogative of the Crown, yet, if he still desired it, I would submit his real name, as I had previously promised. This Mr. Jones refused, and thus the matter stands. I forwarded a copy of the correspondence to the Home Office in March last, and Mr. Roebuck can move for it if he pleases.

" I remain, my dear Clifford, yours sincerely,  
" LLANOVER."

He hoped that the explanation which he had given would satisfy the hon. Gentleman and the House that the Lord Lieutenant was actuated in the course which he had taken only by a sense of duty, and that he had no hostile feeling whatever towards the young gentleman.

#### THE INDIAN NAVY.—OBSERVATIONS.

**SIR HENRY WILLOUGHBY** rose to move

" That, whatever policy is adopted in regard to the Indian Navy, it is the opinion of this House that the guarantee given to the Indian Officers by the Act 21 & 22 Vict., c. 106, s. 56, shall be maintained in its integrity."

The hon. Baronet said, that a short time ago he brought the case of the officers of the Indian Navy before the House ; but an Irish debate of six hours' duration sprang up, and he got no answer to the Question which he put to the Secretary of State for India. The subject to which he wished to call attention was the claims of various classes of gentlemen, numbering he believed about 250, who had done their country good service in the Indian Navy. When he asked the right hon. Baronet some time ago whether he could place on the table an account of the financial affairs of India, it was not with a view to obtain a copy of Mr. Laing's speech, but to see whether many important statements which had been circulated through the country were right or wrong. It was said there would be a surplus in India ; but he thought the distinguished financier who had made that statement was under a mistake, and that as in this country, so in India, there would be no surplus ; but he referred to the statement now, because it assumed the abolition of the Indian Navy as an accomplished fact, and the gentlemen immediately concerned wished to know what their position was. He believed that the Indian Navy, composed as it was partly of Indian seamen, was peculiarly fitted for the duties that

*Mr. Denman*

had been cast upon it. It had rendered good service in the Persian Gulf and in various parts of our Indian empire, and it was doubtful whether the same species of service could be performed better by any other body. When the House bore in mind the importance of suppressing piracy, and the number of treaties which they had with Arab chiefs, a strong case might be made out for keeping up a certain portion of the force; but what he wanted to know was what were the prospects of those gentlemen at the present moment. In the Indian press, and in Mr. Laing's speech, it was taken for granted that it had been for some time intended to abolish the force. But surely, when a body of men could quote the language of a statute for securing their rights, those rights were not to be ignored by silence on the part of the Indian Executive at home, and he wished to obtain a clear and distinct statement on the subject from the Minister for India. These gentlemen had been secured by Act of Parliament in the pay and privileges which they possessed in 1858, and it was only right that the guarantee which was given to them by Parliament should be observed. No one would pretend that the Act of Parliament to which he referred had been got up for the nonce, and that those gentlemen were to be thrown overboard as soon as a certain purpose was served. The profession had its prizes. There were four prizes in it, which would give those who gained them about £800 a year, and, like the military, the members of the force got up funds to provide for those who retired, and for other purposes. The older members of the profession had therefore naturally been looking forward to the speedy acquisition of the prizes for which they had served. He was, however, informed that great anxiety prevailed among those gentlemen, because some of them had received letters from the India Office offering them small sums of money, as if their claims could be disposed of in that way. If he chose, he could show that we had got into various serious wars in the East from the want of having competent Indian officers in command. The Burmese War, for instance, was occasioned because some umbrellas were not sent down on a hot day to meet the Commodore. He hoped that the change from a Company's Government to that of the Queen would not have the effect of injuring a meritorious class, who had not

sprung from the aristocracy, but who had come from the middle ranks—those ranks which constituted the strength and power of this country. He now asked his right hon. Friend the Secretary for India to explain what the position of those officers was.

SIR MINTO FARQUHAR, in rising to second the Motion, merely wished to express a hope that full justice would be done to the officers referred to by the hon. Baronet. He thought that the right hon. Baronet the Secretary for India must be well disposed towards those gallant gentlemen; and he would remind him that when the transfer of the Government of India was about to take place, it was guaranteed that the pay, privileges, and allowances of military and naval officers would be considered and strictly adhered to.

SIR CHARLES WOOD said, that when the hon. Baronet (Sir H. Willoughby) asked him what the position of the Indian navy and of the officers of the Indian navy was, he must reply, that as a matter of fact it was perfectly unchanged since the government of the East India Company had been superseded, because nothing whatever had been done. Whatever might have been said in the Indian newspapers or reported through other sources, nothing had been done. If the letters to which the hon. Baronet referred had been written by Indian officers, they were not official letters, and had no authority whatever. The Government of Bombay had differed from the Government of India in reference to the measures which ought to be taken with respect to the Indian navy, and he had deferred taking any step till he should have had an opportunity of conferring with Lord Canning, with Sir George Clerk, the Governor of Bombay, and with the gallant officer now at the head of the Indian navy (Commodore Wellesley). These two latter gentlemen were now on their return home, and he was anxious to have a conference with them before he did anything. He had not, however, the slightest doubt that there ought at any rate to be a considerable reduction. In saying that, he hoped the hon. Baronet would not understand him as differing in the slightest degree from him as to the services performed by the Indian navy whenever their assistance had been required. He was happy to join in what the hon. Baronet said in respect of those services; but the Bengal marine, which was constituted on a different footing from the Indian navy, had also performed ser-

vices not less distinguished. It was not, therefore, a fair inference that, in order to perform good service in the Eastern Seas, it was necessary to maintain the Indian navy on its present footing. He would remind the House that he was bound to reduce the expenses of the naval and military establishments in India to a *minimum* in order to bring the finances of that country to a proper state. Great reductions had already been made, and he was happy to say that the prospects of this year, in respect to reduction of the military establishment, were satisfactory. It was equally necessary that the expenses of the Indian navy should be in like manner reduced, and he hoped that this might be done without dealing hardly with the claims of those connected with the service. All arrangements which it might be necessary to make would be effected without in any degree infringing on the guarantee given to the public servants in India when the transfer of government was about to take place. He must, however, be permitted to put a different interpretation on the guarantee from that which the hon. Member for Hertford (Sir M. Farquhar) had given it. When an army or a regiment was reduced the effect was to diminish to a certain extent the prospects of the junior officers. But, if the guarantee referred to were taken to extend to all advantages which every officer might obtain by promotion, the Indian army and navy must be kept up for the next twenty years. It would be necessary to preserve them for that length of time, if all the advantages which their existence might confer on officers who had entered them perhaps only six months ago, were to be preserved to those officers in all their integrity. He entirely admitted that full and fair consideration should be given to the case of those officers whose prospects would be injured. It was his anxious desire, and that of every member of the Indian Council, that the claims of officers in the Indian service should be considered in that way. When a regiment was reduced in England, the officers whose services were no longer required were put on half pay, whilst to the officers of the Indian army their full pay and promotion were continued as if the regiment to which they belonged remained in existence. It was impossible to go beyond this, and he could never admit that the House had bound itself to keep up the army and navy of India, so that no injury should be done to the prospects of the youngest officer throughout his life.

Sir Charles Wood

Mr. BRISCOE said, he was exceedingly glad to learn from the statement of his right hon. Friend the Secretary of State for India, that the just claims of the officers of the Indian navy would be fully, fairly, and liberally considered by the Government. That was all those officers desired. The Government certainly ought not to do less for these gentlemen than they had promised.

#### IRON-CASED SHIPS OF WAR.

##### QUESTION.

Sir FREDERIC SMITH said, he rose to ask the Secretary to the Admiralty, Whether there is any truth in the report that the Admiralty intend to build an iron-cased ship of war at Pembroke? He believed the statement would turn out to be entirely a mistake, the Government having pledged themselves to build only one iron ship at Chatham, in order to ascertain whether the prices of the contractors were fair and reasonable. That experiment, he believed, was very satisfactory, but he hoped they would not incur the expense of putting up the plant necessary for iron ship-building at the different dockyards.

MR. WHITBREAD said, the matter had been already explained by his noble Friend the Secretary of the Admiralty. There were five wooden vessels being built at the different dockyards, which, including that building at Pembroke, it was proposed should be cased with iron. But this was not to be confounded with any intention on the part of the Government, against which a strong opinion had been expressed in a recent debate, to embark in a large system of iron ship-building. These were wooden ships to be cased with iron—they were not iron ships. The *Achilles*, building at Chatham, was an iron ship.

MR. G. L. PHILLIPS thought it extremely inconvenient, on going into Committee of Supply, to raise these questions of detail, which belonged specially to the province of the Admiralty. This was an executive question, and he hoped therefore the Admiralty would maintain a firm front, and not give way to the representations of Members connected with the dockyards, advocating the interests of their own constituents.

#### FORTIFICATIONS.—QUESTION.

MR. BERNAL OSBORNE said, he wished to ask the Secretary of State for War, When he will bring on the Vote or

**Loan for Fortifications?** It was of great importance that it should be discussed in a full House; and if it was not brought on soon, he should raise the question in another form, which he thought might be inconvenient.

**SIR GEORGE LEWIS:** My hon. Friend asks me as to the time when this subject will be brought on. A short time since he was very anxious to prevent an undue precipitation on the part of the Government—[**Mr. BERNAL OSBORNE:** We had not the evidence then.]—and requested I would give an undertaking that the question should not be proposed before the Report of the Committee was in the hands of Members, and without full time to consider the evidence. The Report is printed; but I believe that the evidence is not yet circulated among Members. I had a copy brought to me to-day, and I believe there are two copies in the library. If I had named a day before Whitsuntide, I should have been told that the evidence was not yet in the hands of Members, and that the discussion was altogether premature. Well, then, I think I have shown that I have lost no time in not bringing on the question before the holydays. What I propose is, that on Thursday after the holydays I shall endeavour to fix a day. At the same time, it will, of course, depend on other business, which may be more urgent, whether I shall be able, with the consent of my noble Friend at the head of the Government, immediately after the holydays to name a day.

**Motion agreed to.**

#### SUPPLY—CIVIL SERVICE ESTIMATES.

House in Committee.

**Mr. MASSEY** in the Chair.

(1.) £795, Commissioners of Education (Ireland).

(2.) Motion made, and Question proposed,

"That a sum, not exceeding £5,473, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1863, for the University of London."

**MR. AUGUSTUS SMITH** called attention to the increase on the Vote of last year. There was nothing on the face of the Estimates to show the items in respect of which the increase had arisen.

**MR. PEEL** said, that the increase in the number of examiners and exhibitions had led to a necessary increase of expense. For instance, there had been appointed two Examiners in Forensic Medicine.

**MR. AUGUSTUS SMITH** moved that the Vote should be reduced by £473, making it £5,000.

**MR. VINCENT SCULLY** thought it would be best to put the University on a permanent footing. Since the House had been in Committee he had counted the number of Members in the House, and found there were six hon. Members on the Opposition benches, four on the Government benches, and—including himself, but not including the economical Member for Halifax (Mr. Stansfeld)—there were below the gangway six "guardians of the public purse."

**MAJOR O'REILLY** said, that as an old member of the London University he would defend the Vote. The number of students who passed the last matriculation was nearly 400.

**SIR GEORGE BOWYER** objected to the appointment of two Examiners in Forensic Medicine, and hoped the office would be suppressed.

**MR. BAXTER** objected to this haphazard method of striking off a few hundred pounds from a Vote. Such a course could lead to no useful result; and if the hon. Gentleman went to a division, he would vote against his Amendment.

**MR. J. R. MILLS** thought there could be nothing more pettifogging than to object to a Vote of £500 for a University which was in association with so many colleges throughout the country, and which was conferring so much advantage in promoting the education of the middle classes.

**MR. AUGUSTUS SMITH** believed that his hon. Friend was a member of the Council of the University. [**MR. J. R. MILLS:** Not now.] His object was to prevent the constant yearly additions which were made to these Votes. Surely that was an intelligible principle. He saw an item of £120 for the salary of a new officer—an assistant clerk. Now, the salary of the Registrar had been settled after correspondence at £800; and it now seemed as if, by establishing this place of assistant, Parliament was asked to make up the salary of the Registrar to a larger amount. He saw no reason why this Vote should not remain at £5,000.

**MR. VINCENT SCULLY** said, he was not at all surprised that the hon. Member for Montrose (Mr. Baxter) should support this Vote; for the next Vote was for the Scottish Universities, which it was proposed to increase from £16,000 to £20,000. ["Order, order!"] His hon. Friend the

Member for Brighton, a distinguished economist, called him to order. [Mr. WHITE:] We have not come to that Vote yet.] But no doubt the hon. Member for Montrose, in advocating this small increase for the London University, had an eye to the Vote for the Scotch Universities. His hon. Friend (Mr. Baxter), like his hon. Friend (Mr. White), was a distinguished economist, and was always for reducing Galway contracts and Votes of that kind. Unfortunately, the Committee had not the advantage, now they were voting money in Supply, of the presence of the hon. Member for Halifax (Mr. Stansfeld), or the hon. Member for Bradford (Mr. W. E. Forster), or the hon. Member for Birmingham (Mr. Bright), or the hon. Member for Lambeth (Mr. W. Williams), or the hon. Member for Devizes (Mr. Darby Griffith), or even of the presence of the right hon. Gentleman the Member for Buckinghamshire, who so distinguished himself the other night. The only Members on the Opposition Benches from whose presence the Committee could expect to derive advantage at the present moment, were the noble Lord (Lord Robert Montagu) and the right hon. and learned Gentleman the Member for Cambridge University (Mr. Walpole). He thought his hon. Friend the Member for Truro (Mr. A. Smith) had propounded an intelligible principle when he said, "Let the University have a certain sum, keep to it, and dispose of it as it pleases." On that understanding he was quite ready to Vote even £20,000 to the Scotch Universities.

MR. BAXTER could excuse the imputation of motives by the hon. Member who had just spoken, on account of the extreme ignorance he had displayed on the subject. It happened that he was almost the only Scotch Member who opposed the increase of the Vote to the Scotch Universities.

MR. DILLWYN could not think his hon. Friend the Member for Truro was justly liable to the imputation of acting in a pettifogging spirit. He should support the Amendment.

Motion made, and Question put,

"That a sum, not exceeding £5,000, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1863, for the University of London."

The Committee divided: — Ayes 8; Noes 41: Majority 32.

Original Question put, and agreed to.

*Mr. Vincent Scully*

(3.) £20,161, Grants to Scottish Universities.

MR. AUGUSTUS SMITH took occasion to call attention to the large increase under that head which had within the last few years taken place.

MR. PEELE said, the whole of the Vote did not apply directly to the Scotch Universities. Part of it was for the Royal Society, and the Royal Observatory and Botanic Garden; also for compensations to retired professors, and for the examination of parish schoolmasters; in all £6,000 must be deducted from the total amount of the Vote on account of those institutions. It was true, however, that an increase in the sum asked on their account had taken place of late years, an increase which was the result of recent legislation, in accordance with which a Commission had been appointed, which was empowered to nominate new Professors as well as to raise the salaries of those already in existence.

Vote agreed to.

(4.) Motion made, and Question proposed,

"That a sum, not exceeding £2,312, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1863, for the Queen's University in Ireland."

MR. HENNESSY took occasion to ask what was the precise number of those who had obtained the degree of Master of Arts in the Sessions of 1860 and 1861? He found, he said, in the list of those who had obtained that degree in 1860 the name of a gentleman who appeared to have obtained it in a previous year, and who was Professor in a College at Belfast. He also found among the Masters of Arts the name of a gentleman who had acted with the right hon. Baronet in promoting this scheme, and he wanted to know whether the same person was secretary to the University? It must strike the Committee that the return of students could not be quite accurate. He found that the seven gentlemen he had just referred to competed for honours, and, with the exception of two officers and one other, each received a gold medal and money exhibition. The case of the Bachelors of Arts was more extraordinary. In 1860 twenty-four gentlemen got the degree of Bachelor of Arts, and upon that occasion twenty-nine gold medals were given to these twenty-four gentlemen. Notwithstanding this, the Chief Secretary for Ireland told the students, in a speech,

that they were not rewarded with honours and prizes like the students of other Universities. He should like to know how many students got the degree of Doctor of Law in the last Session. He found in the list only two students—one of whom was Professor at Belfast ; the other Professor at Galway. He also desired to be informed what was the total number of scholarships maintained by public money in the Faculty of Arts. He had got a return of the number of students of the second years' course belonging to Queen's College, Galway, who during the period from 1850 to the present year competed for scholarships in the Faculty of Arts, and he found that it amounted to 128 ; and these 128 students competed for 139 scholarships. Such being the case, he begged the right hon. Baronet, if he had endowed additional scholarships, to consider carefully in future the accuracy of the statements made by those who furnished him with information on such a subject. The right hon. Baronet got information from certain gentlemen who were anxious to promote a certain object, and, having acted on that information, the right hon. Baronet was now bound to acknowledge to Parliament that he made a mistake.

SIR ROBERT PEEL denied that he had made any mistake. He thought the sneering observations against the Queen's Colleges came with a bad grace from the hon. and learned Gentleman, seeing that he himself belonged to one of them. With regard to the number of students who entered Queen's College, Belfast, in the Session 1861-2, the Parliamentary Return was accurate in stating it at 152.

MR. HENNESSY said, that in making his observations, he had showed himself the best friend to these Colleges. He found the Professors making before the Royal Commissioners similar statements, and one Professor proposed to take away certain scholarships, as the circumstance of the whole number of the scholarships being more than the number of students in the Faculty of Arts acted injuriously on education in Ireland, and did not operate to attract scholars to the College. Was it, then, fair in the right hon. Baronet to charge him with making sneering remarks against the Queen's Colleges ? The Royal Commission recommended that the number of scholarships should be reduced ; and the right hon. Baronet, if he thought that by going to Ireland and sending out circulars for subscriptions for

endowing scholarships he was in any way assisting education in Ireland, was greatly mistaken. The course which the right hon. Baronet had taken had signally failed, and a member of the National Board of Education (Lord Dunraven) had not only refused to subscribe to the right hon. Baronet's scheme, but had protested against the conduct of the right hon. Baronet. The right hon. Gentleman defended his statistics. He (Mr. Hennessy) wished to know, whether in the year when the right hon. Gentleman proposed to increase the number of scholarships it was not already greater than the number of students ; and he should also like to know how it happened that twenty-four gentlemen received twenty-nine gold medals—a fact of which the right hon. Gentleman had taken no notice whatever ?

VISCOUNT PALMERSTON : It would seem as if there must be some peculiarity of constitution in the mind of Irish students, for it is certainly a strange argument that an increase in the number of prizes to be obtained in a university or college discourages students from coming to it. It may happen from various other causes that students are not so numerous, but I think it a very odd assertion that by the multiplication of prizes you diminish competition. Certainly, the feeling among Irish students must be very different from that of students in other parts of the world if they are discouraged on account of increased rewards held out for successful study.

MR. DISRAELI : I cannot agree with the principle laid down by the noble Lord. By multiplying prizes you do not necessarily increase competition ; but you may, on the contrary, establish monopoly. I do not desire, however, to enter into any controversy on this subject, or at all to enter on the question of mixed education ; but I think I am bound to say that the hon. Gentleman who introduced this question, who stated his case with great ability, and who brought forward facts quite worthy of the attention of the Committee, does not appear to have been replied to in that tone which the importance of the subject, and the temper and ability with which it was introduced to the Committee, deserve. With regard to the taunt that the hon. Member for the King's County was himself a pupil in one of the Queen's Colleges, I can only say I congratulate the Queen's College

that produced a pupil who does them such great credit.

VISCOUNT PALMERSTON: I think there is an old authority applicable to this case—

“Quis enim virtutem amplectitur ipsam,  
Præmia si tollas ?”

MR. VINCENT SCULLY likewise believed that an unfair attack had been made upon the hon. Member for the King's County. Complaint was made that the hon. Gentleman had used sneering remarks upon the Queen's Colleges; but what did the House think of the words employed by the noble Lord, who said that there must be a “peculiarity of constitution in the mind of Irish students”? He was afraid the noble Lord had been sitting too close to the right hon. Baronet the Chief Secretary for Ireland, whose society he would advise him to get rid of at the earliest possible moment. He referred, of course, to his official society; his personal and private society, no doubt, was extremely agreeable, and perhaps it was its very charm which had induced the noble Lord to place the right hon. Baronet in a position for which he was wholly unsuited. For his own part, he had never expressed any opinion on the subject of the Queen's Colleges. He had received from the right hon. Baronet a circular, addressed to the Roman Catholics of Ireland, asking for subscriptions, which, considering that it was signed by ten or twelve very distinguished gentlemen, all Protestants or Presbyterians, he thought, to use an old Cambridge expression, the most “bumptious” letter he had ever seen. He returned the same answer to that circular that he once received from the noble Lord at the head of the Government to a letter which he addressed to him, asking why no Irishman was included in the Cabinet—that was to say, he returned no answer at all, and he thought the precedent an excellent one. He observed in the Votes that it was proposed this year to increase the salary of the Examiners in English Literature and History by £50; and, as no explanation whatever had been given with regard to the item, he begged to move that the amount be reduced by £50.

MR. HENNESSY said, on the authority of a Professor of History, there were lectures on History in the Queen's Colleges, but no examinations in it. What kind of history could be taught in mixed Colleges of this kind? For instance, English history was in the curriculum, but it was a

history in which the word “Reformation” never occurred; nothing about the action of the Church in ancient or modern times was ever taught. It was English history, but so emasculated as not to be worthy of the name.

THE O'CONOR DON pointed out that no explanation for the increase of the Vote on that of last year had been given. He believed that the large increase of the prizes did not tend to promote the desire to obtain them; for when the prizes were made more numerous than the scholars, it ceased to be an honour to obtain them.

MR. AYRTON thought the present discussion was a strong contrast to that of Tuesday evening. This was an instance of a great waste of public money. The hon. Member for the King's County had frequently brought this subject before the House. Instead of being met in the manner his ability and fairness deserved, he had been treated in a manner painful to all who witnessed it; but it had gained him the sympathy of the House. Of all political blunders, the establishment of these Queen's Colleges was the greatest. It was an attempt to introduce a system of education for part of the community at variance with their religious feelings. It might have been an excusable blunder at the time, but what took place last year had made it inexcusable. If they adopted the opinion of the noble Lord (Viscount Palmerston), the money voted for the colleges was a mere payment to students for acquiring a certain amount of knowledge. If so, the institution was a degradation of learning, and ought to be immediately abolished. The noble Lord had put the expenditure on a very low footing. When it was brought under the notice of the Government that the expenditure did not tend to the advancement of learning, ought it not to reconsider the question? The Vote on the paper was only in addition to the very large sum charged on the Consolidated Fund. He was almost afraid to say what was the whole charge for the University. It was so large that when the Government was told, by those who spoke in behalf of the Roman Catholics, that the University was a failure, it was its duty at once to reconsider the subject. If no useful result was obtained, so many thousands a year ought not to be paid for no satisfactory purpose. The whole discussion to-night proved that the proceedings of Tuesday were “a solemn sham.”

MR. CARDWELL wished to point out that the increase in the Vote was for the purpose of rendering the remuneration of certain gentlemen engaged in instruction, which was now very inadequate, more suited to their ability and attainments. A proposal was then under the consideration of the Government, not to ask for more money from Parliament, but to redistribute the money it had already voted, in order to make the remuneration of these gentlemen less inadequate than it had been. The present Vote was for the examinations of the pupils who had been educated in the Colleges. This expenditure had not been forced on the country by the Government. The Colleges had had great difficulties to contend with, having met much opposition; but the number of students was now continually increasing, and in the last year the number of pupils was 752. Those 750 pupils were nearly equally divided between Catholics, Protestants, and Presbyterians. He had heard it said that few of the pupils were worthy of any distinction. But the number of pupils who, in open competition for offices in the Indian and other services, had greatly distinguished themselves was a better test of the sort of education obtained at the Colleges than the opinion of any individual. It was also said that the number of degrees was not large in proportion to the number of pupils. Where the taking a degree was of advantage, as it was to young men intended for orders, for the bar, or for the medical profession, the degree was taken. In the first few years of the London University, the number of degrees was not greater; and in the Universities of Scotland, which no one pretended to be failures, the number was not exceeded. The reason was that young men went to the Queen's University, not for the purpose of obtaining degrees, but for the purpose of obtaining an education which would be of value to them in their future life. It was the legitimate object of all colleges and universities. They were not founded to give degrees, but to give a sound and valuable education. Then it was said there were more scholarships than students. If the Committee were really under that impression, they would of course hesitate to give the Vote. His right hon. Friend the Chief Secretary told him that last year 311 pupils entered. There were in the three colleges exactly forty-eight scholarships, and, unlike the

scholarships of Oxford and Cambridge, they were only tenable for one year. The highest was, he believed, £25, and that small sum was given to assist the pupil to maintain himself during the year, subject to a subsequent challenge and examination in the next year, when, if beaten, he lost the scholarship. He was not referring to the blue-book which had been quoted, but to communications with the Professors, and those communications had led him to believe that the Professors would go without any addition to the remuneration which they received rather than that the small sums given to the students should be diminished. The constant increase of pupils, the numerical equality in the religious opinions of those who entered, and the success of the students in public competition, at which they had to meet students from the older Universities, from Trinity College, and from every school and seminary in the kingdom, all showed that the sum granted was accomplishing the object for which it was voted—namely, educating indiscriminately the different classes of the people of Ireland; and as the Committee had just given a largely increased Vote for Scotland, he hoped they would not reduce the amount which was now asked.

MR. MONSELL said, the real question had been correctly raised by the right hon. Gentleman—whether these colleges had served the purpose for which Parliament voted the money. They were intended to include Catholics; but in 1859, of forty-five students who obtained degrees at the Queen's University, fifteen were Catholics and about twelve or fourteen others took degrees at Trinity College. Out of 4,500,000 of the population who were Catholics, less than thirty a year obtained degrees. The reason that so few Catholics took advantage of the Queen's University was, that no one could take a degree there unless he came from the Queen's Colleges; and the Catholics, upon conscientious grounds, objected to the system of education at the Colleges. He suggested that instead of the Government appointing the Senate of the Queen's University, vacancies should be supplied by election, and that any student, no matter where he had matriculated, should be allowed to come up for a degree. He admitted the right of the State, which gave the money, to fix an intellectual standard, and he did not care how high it was placed, provided those who reached it were admitted to

examination for degrees. The refusal of permission, because persons in Ireland had an objection to education without religion, was a kind of persecution unknown in France, Belgium, or any other country. In the last volume of M. Guizot's *Mémoires* he found this anecdote. In 1848 M. Guizot was obliged to leave France, and he came with his son to London. He consulted with the late Lord Macaulay as to whether he should send his son to King's College or University College, where there was no religious education; and Lord Macaulay said, "As a Whig statesman, I have always supported University College; but if you ask me as the father of a family, I say, send him to King's College." All they sought was permission to follow the advice which Lord Macaulay gave to M. Guizot, and to bestow upon their children a religious education.

MR. HENNESSY said, that no argument could be drawn from the number of students, as matriculation consisted merely in the payment of a 5s. fee. He had been told of a case where one of the College authorities went round the town getting shopmen to put down their names to swell the list of students. It had been stated in evidence by the Professor of Agriculture that one man had taken a scholarship in that faculty whom he never saw, and that for agricultural purposes it was worse than useless. A Parliamentary Return showed that at Queen's College, Cork, ten scholarships were competed for in 1860 by ten students; in 1861, by eight; and in 1862, by only five.

MR. VINCENT SCULLY said, the right hon. Gentleman (Mr. Cardwell) had not touched the real question—the salary of the Examiners. He required information why the salaries of the Examiners in English Literature and History had been raised from £50 to £100, and asked explanations with regard to other items.

MR. CHILDERS hoped the Government would, during the recess, consider the undeniable fact that of late years a feeling had grown up that the principle of the Queen's Colleges was very defective. Unless some change were made, there would be a great waste, not merely of public money, but of valuable energies. He did not say this in a party spirit, but because he desired that the experiment should not fail for the want of proper development. He hoped the Chancellor of the Exchequer, who, when speaking at Oxford of the middle-class schools, had urged the neces-

sity of religious education, would look to this matter. There was a feeling abroad that the sums voted on account of these Colleges were rather in the nature of bribes, to absorb the youth of Ireland into them, and wean them from the ordinary channels of education.

SIR CHARLES DOUGLAS hoped the Government would explain the reason of the increased Vote.

SIR ROBERT PEEL said, the reason was simply that the Examiner on English Literature could not be expected to discharge his duties for £50, while others were paid £100 for similar work. He thought a salary of £100 was not at all too high for the services rendered.

LORD MONTAGU called attention to the circumstance that in many years there were fewer scholars than scholarships, and therefore the sums appropriated for some of them were not needed. He asked what became of those sums, and suggested that it might be desirable to increase the amount of the scholarships, so as to stimulate competition.

SIR ROBERT PEEL said, that what was required was more students. He saw no reason for altering the system.

LORD MONTAGU wished to know what became of the surplus funds.

MR. CARDWELL said, that the money which was not expended must, of course, remain undrawn from the Treasury.

MR. MONSELL complained that his Question had not been answered, and objected to any increase in the value of the scholarships.

Motion made, and Question,

"That the Item of £100, for the Salary of Examiner in English Literature and History, be reduced by £50,"

—put, and negatived.

Original Question put, and agreed to.

(5.) £4,800, Queen's Colleges, Ireland.

MR. PEEL explained, that owing to the increase of the number of Professors in each of these Colleges from twelve to twenty, without a corresponding increase of the sum appropriated out of the Consolidated Fund for their remuneration, many of them were at present underpaid. The Government were prepared to consider a plan for reducing their number, so as to make the permanent provision for the Colleges suffice; but, in the mean time, as such a plan could only take effect gradually, and as this Vote, which was intended to defray the cost of museums

and libraries and the general expenses of the Colleges, was at present more than adequate to meet their wants in those respects, it was proposed that the balance should be applied to increasing the salaries of such of the Professors as were now insufficiently remunerated, and that when the reduction was carried out, this Vote should be diminished from £1,600 to about £1,000 for each College.

MAJOR O'REILLY said, he must call the attention of the Committee to the want of explicitness in the answers given to questions which had been asked. He wished to know what the Government intended to do with respect to professorships in the cases in which the Professors had little or nothing to do. At Belfast there was a Professor of Agriculture, who taught a class in practical agriculture consisting of one student, and a class in the diseases of farm animals which also consisted of one, and, as he was credibly informed, of the same student. The Professor also stated he made excursions with the students or student. He hoped that this was not one of the Professors who were thought to be underpaid. In Cork the number of students attending a similar course was three only, of whom one was matriculated; the other two probably belonged to that class who put down their names to swell the list. In Galway there were six students attending the same class, but whether matriculated or not he could not tell. Then, with regard to the Professorships of the Celtic Languages, in Belfast the chair was vacant at present, and he hoped long might continue so. In Cork there was no class, and not any prospect of one. In Galway, during five years, there were in some years two, in others three pupils, and during six years, at different intervals, no pupils at all. There was another branch of instruction nominally established, which strongly illustrated the fact that those institutions were supplying a description of teaching that was not wanted. In each College there were two Professors of Law. In Cork there were four students for two Professors, and in Galway there were in some way or other seven. Mr. Denis Caulfield Heron had been appointed Professor of Jurisprudence in Galway; he had a large practice in Dublin, and he had only to go down occasionally to teach his class. Having gone down one time he went to the porter and inquired, "Where is the Jurisprudence

Class?" "Oh, please your honour, sir," said the porter, "he's sick." Like Dean Swift's congregation, he was sick—so the Professor returned to Dublin, and being a gentleman who would not hold a Professorship for the honour of it, he resigned his chair and its emoluments, in opposition to what the Premier had said. He hoped, then, that the Government would no longer attempt to keep up a staff of teachers that were not wanted, and also that they would weigh well the remarks of the hon. Member for Pontefract (Mr. Childers), and endeavour to conciliate the people. If they did, they would find that the difficulty in the way of mutual concession would not proceed from the people of Ireland.

SIR ROBERT PEEL said, the Government intended to recommend a reduction of three professorships in each College, making a total reduction of nine. He might mention that it was originally proposed that there should be only twelve Professors, though the number was afterwards increased to twenty. The original proposition also was that they should have, with fees, about £280 a year each; whereas, in consequence of the increase in the number, the salaries averaged only about £170—an amount which was wholly inadequate to the duties to be performed. It was true that some of the classes had not succeeded as it was hoped they would, and it was probable that the professorships which had been more particularly referred to—in particular the Professorship of the Celtic Language—would not be continued.

MR. HENNESSY said, that the Professors of Greek, Latin, English Literature, and others had salaries of £250 a year; those of Chemistry, Modern Languages, Natural History, and Geology, £200, while others had only £100. [Sir ROBERT PEEL said he had given the average.] Those gentlemen were to receive fees as well as salaries, but they received scarcely any fees, because the students had not come. In a great many of the chairs the fees amounted to only £5, £10, or £15 a year, instead of £200, as they were expected to be at first. The Government would do well, then, to augment the salaries of the Professors, but that ought not to be done by suppressing certain chairs. The far better course would be to take the advice of the hon. Member for Pontefract (Mr. Childers), and they would then draw students to the class-rooms and augment the fees. He was of

opinion that those who were the real friends of the Queen's Colleges were not to be found upon the Treasury Bench.

MR. AYRTON said, the result of it all was that £360,000 had been spent in teaching 300 persons as much as they learnt in an ordinary University education. That was the result of this attempt to undermine the Roman Catholic religion—an attempt which had produced constant irritation in Ireland, and the sooner it was abandoned the better.

*Vote agreed to;* as was also

(6.) £500, Royal Irish Academy.

(7.) £2,750, National Gallery, Ireland.

MR. A. SMITH asked for an explanation of this Vote.

MR. PEEL said, it was not intended to initiate a series of Votes for the purpose of establishing a National Gallery in Ireland. An understanding had been come to between the Government and the Trustees, to carry out which this Vote was proposed. The Vote was asked for on exceptional grounds, and would be for this year only.

*Vote agreed to.*

(8.) £2,500, Theological Professors at Belfast.

MR. BAXTER said, he had serious objections to the principle of paying Theological Professors of Dissenting congregations out of the public purse. Seeing that all the great Dissenting congregations of this country and of Scotland paid their own Professors, he saw no reason why this House should continue year after year to pay for the Dissenting congregations of the north of Ireland.

MR. DAWSON said, the principle of this Vote had been often discussed, and accepted by the House. The money was productive of a great deal of good, and he hoped the hon. Gentleman would not divide the Committee.

MR. FRANK CROSSLEY did not believe that it was any benefit to these Professors to be paid out of the State funds.

Motion made, and Question put,

"That a sum, not exceeding £2,500, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1863, for the Salaries of the Theological Professors and the Incidental Expenses of the General Assembly's College at Belfast, and Retired Allowances to Professors of the Belfast Academical Institution."

The Committee divided:—Ayes 75; Noes 21: Majority 54.

*Vote agreed to.*

*Mr. Hennessy*

(9.) £99,012, British Museum.

MR. WALPOLE then rose to move a Vote of £99,012 for the British Museum. The right hon. Gentleman said the alterations in the amount this year were few and not very important. The total amount of the Vote was £99,012 against £100,414, showing a reduction of £1,402 upon that of last year. There was an additional charge of £2,200 for the increased expenses attendant upon throwing open the reading-room to the inspection of foreigners and country visitors during the holding of the International Exhibition, and another £1,000 for additional attendants. That sum the Trustees proposed to provide out of the surplus arising from the Votes of the preceding year. The increase upon several items for the present year arose from the greater attendance in the reading-room, and from the necessity of appointing one or two additional officers in the manuscript department. Upon some other items there was a decrease, and he hoped the Committee would give the Trustees credit for a desire to observe economy under another head of expenditure—the building charge. The Vote for building had only come under the control of the Trustees within the last three years. and whereas the Vote was at that time £22,000 odd, it was reduced in the next year to £19,000 and some hundreds. It was now £2,249 less than last year, and he hoped that there would be a further reduction in future years. There were only two points in addition which he need refer to. Under the former regulations of the reading room, gentlemen were admitted from the age of eighteen and upwards. The rooms would only accommodate 330 or 340 persons; but the daily average number of those who attended was beyond that amount. The consequence was, that persons who were employed in severe and more difficult studies were excluded from the accommodation to which they were entitled, by the younger students who could not properly be called readers. The Trustees, therefore, had felt it to be their duty to limit the admission of readers to persons of twenty-one years and upwards, instead of eighteen as at present. Those persons who now possessed the privilege of admission would continue to enjoy it, but no further admissions would be granted to younger students, except in special cases. He would only further observe, that as those Gentlemen who had always taken the greatest interest in the

Museum Estimates—the hon. Members for Galway (Mr. Gregory) and Pontefract (Mr. M. Milnes), and the noble Lord the Member for Chichester (Lord H. Lennox), were all now absent, he proposed, with the concurrence of the Government, to take the Vote now, but that the report should be taken later than the first day of the reassembling of Parliament after the recess, when those hon. Gentlemen might be able to attend, and to make any observations they wished.

SIR JOHN TRELAWNY asked, what steps had been taken to afford greater facilities to the working classes to visit the Museum? As there were such grave objections to the opening of the Museum on Sundays, he thought it hopeless to attempt it.

MR. WALPOLE said, that for a portion of the year—namely, from May to the middle of August—the Museum was kept open until eight instead of closing at five. He wished that the facility thus afforded was more generally appreciated by those in whose behalf the arrangement had been made than hitherto had been the case.

MR. LOCKE said, the working classes probably felt tired in the evening, and had no desire to visit the British Museum. But he should like to know what had been done in reference to opening the institution on Saturdays, now that that day was generally observed as a half-holiday. The question of opening the building on Sundays had not been mooted this Session, and he was not anxious to raise it, because such a strong feeling had been exhibited against it last year by the hon. Members who came from north of the Tweed, and they were numerous in the House that evening.

SIR GEORGE BOWYER hoped that some reason would be given for keeping up the zoological specimens at a cost of £1,500 a year. There was an excellent living collection in the Zoological Gardens; and whenever he saw those mangy lions and tigers in the British Museum, he regarded them as rubbish. Why have stuffed animals, taking up room, and costing so much money, when such excellent living specimens were to be seen in the Zoological Gardens?

MR. AYRTON said, that the Trustees would not, perhaps, feel themselves justified in opening the Museum on Sundays, seeing the difference of opinion which existed on the subject; but they ought to give in the week all the opportunities

they could to persons who wished to visit the institution. He had heard with regret that the experiment of opening the Museum in the evening had failed. He thought that the institution should be kept open to a later hour than eight o'clock, and should be well lighted. Now, the returns from Kensington Museum showed that one-half of the visitors went in the evening, and he thought it was clear that the arrangements made for them must be much better than those made at the Museum. He thought the Trustees of the British Museum had not done their best in that respect; and if they would follow the course pursued by the Kensington Museum, they would soon double the number of the visitors to the British Museum.

COLONEL SYKES said, he had been told by an officer of the British Museum that the people were only allowed to walk through a portion of the rooms, and that they could only see the backs of the books in the library.

SIR JOHN TRELAWNY hoped that every exertion would be made to make the Museum available to the working classes, and that it might be opened after two o'clock on Sundays.

MR. TITE wished to know what were the arrangements under which the Trustees of the British Museum had subscribed towards the publication of a very important and valuable work on the *Antiquities of Halicarnassus* with a view to the distribution of a number of copies among certain public institutions.

SIR FRANCIS GOLDSMID said, that the greater the objection was to opening the Museum on Sundays, the greater was the necessity for making it as available to the working classes on week days. He thought that it should be kept open to the latest practicable hour in the evening, and that the access to it should be facilitated in every possible manner.

MR. WALPOLE said, it had been the constant effort of the Trustees to increase as much as possible the facilities of the public in visiting the Museum. The Museum was now open till eight p.m. He did not exactly recollect the facts relative to the publication of the book about Halicarnassus. It was a very expensive work, and the Trustees took a certain number of copies in order to assist its publication; a certain number could therefore be purchased at a reduced rate, and copies were also given to various institutions. He would make further inquiries

on the subject, and inform the hon. Member for Bath (Mr. Tite) on the report. With respect to the zoological collection, no fewer than 25,000 specimens in natural history had been added to the collection during the year ending 1860; and if these had not been added, the collection would have been incomplete. When the gorilla was making a great stir in the world, the Trustees purchased stuffed specimens as well as the skeleton. With respect to the larger question, whether public exhibitions should be opened on Sunday, no body of Trustees would be justified in deciding such a point when Parliament declined to do so.

MR. LOCKE asked what had been the result of the Saturday opening.

MR. WALPOLE said, he could not answer the question. The Museum had been opened on Saturday evenings. If kept open later, the general opinion of scientific men was that oil or candles would not give sufficient light, and that gas would injure the specimens.

MR. AYRTON hoped the Trustees would inquire what would be the expense of lighting the Museum with gas outside, so as not to injure the specimens.

SIR JOHN TRELAWSY suggested that it should remain open till ten o'clock on Saturdays.

MR. WALPOLE observed, that according to the reports of Mr. Braidwood and a very able chemist, great dangers would arise from the use of gas; in fact, scientific people were agreed that the collection would be spoiled altogether.

MR. FREELAND hoped the right hon. Gentleman would, on the report, inform the House what precise sum had been granted by the Trustees for the purpose of aiding the publication on the *Antiquities of Halicarnassus*, and whether the work had thereby been rendered accessible to the public at a more reasonable price.

MR. WALPOLE said, he would do so, and asked the Chancellor of the Exchequer when the Report would be taken.

THE CHANCELLOR OF THE EXCHEQUER said, the Report would be taken on Monday week. He hoped the Trustees would submit to the Government an estimate of the expense necessary to open the Museum in the evening lighted with gas. If the gas were placed outside, no injury could result from its use.

*Vote agreed to.*

(10.) £11,953, National Gallery, was also agreed to.

*Mr. Walpole*

(11.) £1,000, British Historical Portrait Gallery.

SIR GEORGE BOWYER asked what was the nature and object of the institution.

SIR GEORGE LEWIS replied, that the Gallery was intended for the collection and exhibition of the portraits of persons eminent in British history.

SIR GEORGE BOWYER suggested that the Estimate should include the names of the persons whose portraits were exhibited in the Gallery.

THE CHANCELLOR OF THE EXCHEQUER said, the effect would be to introduce a catalogue into the Estimate.

MR. CAVENDISH BENTINCK objected to the Gallery, because it was a separate establishment, with divided responsibility, and different rules of management. In 1857 the right hon. Gentleman the Member for Bucks, then Chancellor of the Exchequer, declared that if the Trustees were allowed a lustrum, they would be able to show an exhibition of portraits which would prove that they had not betrayed their trust. In 1859 the present Secretary for War, then Chancellor of the Exchequer, stated that when the National Gallery was enlarged, it would be in the power of the Government to set apart rooms for the pictures now in the Portrait Gallery. Again, in 1860, when the opinion was expressed that there was no reason why the pictures in the Portrait Gallery should not be looked after by the officers of the National Gallery, the Chancellor of the Exchequer admitted that

there was something anomalous in having a separate establishment, adding that he thought its dissociation from the National Gallery should be regarded as provisional. The enlargement of the National Gallery contemplated by the Secretary for War had now been effected; the lustrum alluded to by the right hon. Gentleman the Member for Bucks had been accomplished by the fluxion of time, and on the present occasion he hoped the Government would say what they intended to do with the Portrait Gallery. There could be no doubt that the existence of a separate establishment was detrimental to the object in view. At present the Portrait Gallery was a small National Gallery without any of the advantages of the large one. It had no staff; it was open only eight or ten hours a week; the public could not go to it, and they could not see the pictures if they did go. The Trustees were always crying

out for more money, and they evidently looked forward to a period when the annual charge would be far more than £1,000, the amount of the present Vote. Under these circumstances, he hoped the Government would seriously consider whether a separate establishment should be continued. The National Gallery was not absolute perfection; but the Trustees and their advisers had been taught to act with caution, and their purchases were not now so reckless as they used to be. Such was not the case with the Trustees of the Portrait Gallery. They had all their experience to learn, as was proved by a list of pictures, with the prices attached to them, which was laid on the table last Session. Before that time it was exceedingly difficult to ascertain from the Trustees what they had paid for their pictures; no account was submitted to Parliament; and the consequence was some of the most reckless purchases ever made by any body of men. Let him give the Committee a sample. In 1859, there was a sale in Eaton Square. At that sale Mr. Graves bought three pictures—a portrait of James I., as a boy, £20; a portrait of Queen Anne of Denmark, £80; and a portrait of the first Marquess of Winchester, who was Treasurer to Henry VIII., £17. Would the Committee believe that in a few months afterwards Mr. Graves sold these three pictures to the Trustees of the National Portrait Gallery for an aggregate sum of £680? Nor was that all. One of the pictures changed its name, and the portrait of Queen Anne of Denmark became the portrait of Mary Sidney, Countess of Pembroke, by an unknown painter, costing the country £815. Why the Trustees should have paid so large a sum for a portrait of the Countess of Pembroke he could not understand. He had ascertained from the *Biographical Dictionary* that the Countess was most remarkable for having written certain books which nobody ever read or would ever want to read. A portrait of Mary Queen of Scots had cost the country £420, but the best judges believed that there was no authentic portrait of this Sovereign in existence. The National Gallery was administered upon an open system, and every one knew what the pictures cost. But the Portrait Gallery was a mystery, and no one knew how the money was to be applied. He did not move the reduction of the Vote, but he trusted the Government would announce its intention in regard to this Gallery.

Why should not the administration be added to that of the National Gallery? As to the pictures, they might be sent to the South Kensington Museum instead of the Turner Gallery. His hon. Friend the Member for Truro (Mr. A. Smith) had suggested that space might be found for these portraits in the Palace of Westminster; and if they were not sent to Brompton, he trusted that suggestion would receive attention.

MR. HENRY LENNOX said, that in the last report of the Trustees of the Portrait Gallery there was but one note of complaint—of want of space. The Trustees recounted, with justifiable pride, that Her Majesty had presented them with a portrait, now doubly dear, of the late illustrious Prince Consort. For this, however, there was no adequate room; and the same was said of other pictures. There was a sort of Kensington-phobia on the benches opposite; but there were three or four rooms at the South Kensington Museum which had been used for the Vernon Gallery, and which were now empty. Instead of being seen by 10,000 persons in one year, these portraits would be seen at Kensington by 400,000. The Chancellor of the Exchequer was, he believed, quite aware of the anomalous position of this institution, established in a corner in Great George Street, and only open for a few hours twice a week. His hon. Friend (Mr. C. Bentinck) demanded that these pictures should be bought with good taste, and a fair price given for them. But among a body so constituted, whose taste would his hon. Friend accept—that of the Chancellor of the Exchequer, the right hon. Gentleman the Member for Bucks, or the noble Lord the Member for Stamford? This gallery was another illustration of the truth that the national collections of a country, if they were worth anything, were worthy of being properly cared for. He trusted the Government would consider whether the object which they had all in view would not be carried out by the temporary removal of these portraits to South Kensington.

THE CHANCELLOR OF THE EXCHEQUER said, that the question of the proper accommodation of national collections was one not very easy of solution in that House, as experience had amply proved; for sometimes, when the Government made a proposal on this subject, they were met by a sudden desire for economy. He would, however, admit that the present position

of the National Portrait Gallery was not satisfactory, and that the suggestions of the hon. Gentleman opposite (Mr. C. Bentinck) were deserving of careful consideration. The difficulty about moving these portraits to a home of their own was, that the question of the final constitution of the body responsible for the Portrait Gallery would thereby be prejudged when it was not yet ripe for adjudication. The present condition of the Portrait Gallery was provisional, and was not unconnected with the final destination and development of the National Gallery itself, which was in its turn connected with the other question of sites for the national collections. It was probable these portraits might find more satisfactory accommodation at South Kensington; but he was unable to give any assurance or pledge on this subject, except that the suggestion deserved, and should receive, consideration. No doubt the portraits would there be seen by a greatly-increased number of persons. His hon. Friend had quoted the prices paid for some of the portraits some time back; but great care had been taken by the Trustees not to pay extravagant prices. The difficulty about laying the prices of the pictures before the House as they were bought was, that the Trustees would thus be raising the market against themselves. He had attended a great number of their meetings, and he could conscientiously say that they appeared to consider with all care the amount of money to be paid for pictures. Whether a statement of the price given for each picture should be produced, or whether, instead thereof, the judgment of the Trustees on the point should be acquiesced in, was a matter which it must remain in the discretion of the House to determine.

MR. AUGUSTUS SMITH said, he was convinced, that if this collection should be sent to South Kensington, in another year the House would be called upon for a vote for additional officers. The best place for these pictures was in that House. They might be placed on the walls of the corridors, and no expence would be incurred.

MR. GREGORY disagreed from the suggestion to stow away the portraits of the great men of the country in the badly lighted corridors of that building. Regarding these pictures apart from their artistic merit, he thought it of importance to be able to form some notion of the appearance of the great characters that had

illustrated English history; but with respect to the arrangements connected with the national pictures, the axe ought to be laid to the whole system. Looking at the several different places where those pictures were now kept, the matter was at the present moment in something like a mess, and he complained of the Trustees of the British Museum keeping apart from the collection of pictures the original designs and drawings of the great masters, which it was essential to study in connection with the paintings. In his opinion, the Government should take into consideration the question of providing a fitting depository for the whole of the national collections of pictures, which at present were very unworthily accommodated. The International Exhibition at Kensington had shown them the way in which a Gallery should be provided; and he would suggest, that if the portraits could be transferred to similar galleries at Burlington House, they would then be placed in a central position, acceptable to the community at large.

MR. THOMSON HANKEY said, that public money was spent uselessly in maintaining the establishment of the Portrait Gallery, for all the pictures might be sent to the South Kensington Museum. He thought the Chancellor of the Exchequer ought to say what the ultimate destination of this Gallery ought to be.

THE CHANCELLOR OF THE EXCHEQUER said, it might afford his hon. Friend some gratification to know, that as there was a balance to the credit of the Historical Portrait Gallery, it would only be necessary to take a vote of £1,000 this year. At the same time, he could not hold out any hope that the expenses of the secretary's office were capable of diminution. Two entirely different kinds of knowledge were required for the selection of portraits and general works of art. It would be absurd to expect that Sir Charles Eastlake should possess this special kind of talent.

MR. CONINGHAM thought a Director of the National Gallery ought to be quite competent to determine the value and authenticity of portraits. He was opposed, on principle, to the distribution of collections, because in time the fragments grew into great establishments. For that reason he believed the suggested removal of pictures to Burlington House would be attended with great expense. The true way to obtain space sufficient for all the

pictures would be by turning the Royal Academy out of the National Gallery. They would never go unless they were compelled; and at present they were rather in straits, having taken to holding 6d. exhibitions in the evening, with a view of popularizing themselves.

MR. LOCKE said, the Royal Academy gave a conditional promise some years ago to remove from the National Gallery, provided they could obtain accommodation suitable for carrying on their school of painting. But from that time to the present nothing whatever had been done.

MR. TITE held that it was a mistake to condemn an important collection like the National Portrait Gallery, and to determine that it should proceed no further, simply because it had outgrown its present site. If it were not so already, it would one day become one of the most interesting collections in the kingdom.

MR. CAVENDISH BENTINCK wished to know whether the Government intended to take away the portraits from the zoological gallery of the British Museum and add them to the others?

THE CHANCELLOR OF THE EXCHEQUER replied, that that was one of the objects of the British Museum Bill.

MR. CONINGHAM said, he should certainly move to omit the entire amount of £2,000.

THE CHANCELLOR OF THE EXCHEQUER said, the Government only asked for £1,000, there being a balance in hand.

*Vote agreed to; as were also the following:—*

(12.) £7,640, Magnetic Observations Abroad, &c.

(13.) £500, Royal Geographical Society.

(14.) £1,000, Royal Society.

*House resumed.*

Resolutions to be reported on *Thursday* next; Committee to sit again on *Thursday* next.

House adjourned at One o'clock  
till *Thursday* next.

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HOUSE OF COMMONS,

*Thursday, June 12, 1862.*

MINUTES.]—PUBLIC BILLS.—2<sup>o</sup> Harbours Transfer.

3<sup>o</sup> Inclosure; Elections for Counties (Ireland);  
Elections (Ireland).

#### THE "CIRCASSIAN."—QUESTION.

MR. CLAY said, in the absence of the hon. Member for Sunderland (Mr. Fenwick), he would beg to ask the Under Secretary for Foreign Affairs, Whether the attention of Her Majesty's Government has been called to the repeated interference of United States cruisers with British vessels trading to the West Indies, and particularly to the case of the steamer *Circassian* in neutral waters, when bound from St. Thomas's to Havannah, and within twenty miles of that port; and what steps it is intended to take in consequence?

MR. LAYARD said, in reply, that as the case of the *Circassian* was now before the Law Officers of the Crown, he could not give an answer to the question.

#### THE GALWAY CONTRACT.—QUESTION.

LORD DUNKELLIN said, he would beg to ask the First Lord of the Treasury, If the Government have considered the Memorial of the Royal Atlantic Mail Company; and if they have determined on renewing postal communication between Galway and North America?

VISCOUNT PALMERSTON: Sir, a representation was made by the Company, and is under the consideration of the Government. The Government have not as yet come to a decision upon the subject.

MR. GREGORY said, he wished to ask the noble Lord when it is likely the House will have the decision of the Government on this question. Large expenses are being incurred in making preparations to carry out the contract in the event of its renewal.

VISCOUNT PALMERSTON: It is impossible to say beforehand what the decision of the Government on the subject may be.

#### LAW RELATING TO COAL MINES.

##### QUESTION.

MR. DILLWYN said, he would beg to ask the Secretary of State for the Home Department, Whether it is the intention of Government to introduce any measure to amend the Law relative to the working of Coal Mines?

SIR GEORGE GREY said, a Bill was in preparation which would be ready in a few days, the object of which would not be so much to interfere with the general working of mines, as to provide for the construction of a second shaft, in cases where that was practicable.

## QUEEN'S UNIVERSITY AND QUEEN'S COLLEGES IN IRELAND.—QUESTION.

MR. HENNESSY said, he rose to ask the Chief Secretary for Ireland, Whether the only Candidates who obtained the degree of LL.D. at the last examination of the Queen's University in Ireland were at that time Professors in the Queen's Colleges and Examiners at the University; whether Charles P. Reichel, whose name appears in the recent Report of the Queen's University, page 23, as receiving the degree of M.A. in 1861, is the same Charles P. Reichel whose name appears at page 20 of the same Report as receiving the same degree (M.A.) in 1860, and whose name appears at page 26 of the same Report as the Examiner in Latin to the same University; and whether the same gentleman has not been since 1849 a Professor in Queen's College, Belfast?

SIR ROBERT PEEL said, that the Government had nothing to do with the granting of degrees and diplomas in any of the chartered Universities of England, Scotland, or Ireland. The granting of degrees was wholly regulated by Statute. With regard to the degrees of LL.D. at the last examination of the Queen's University, it was true that the three only persons who took that degree were professors—two at the Queen's College, Belfast, and one at Galway. But it must be remembered there were two sorts of degrees, one of which was conferred upon students and the other upon distinguished persons who had taken degrees elsewhere, and who were desirous of becoming graduates of the Queen's University in Ireland; and the gentlemen in question were of the latter class. There was a clerical error in the Report with regard to the repetition of the degree of Mr. Reichel. That gentleman took a degree of M.A., he believed, in Trinity College, Dublin, in 1860, and afterwards an *ad eundem* degree of M.A. was granted to him in 1861 by the Senate of the Queen's University.

## SUPPLY.

Order for Committee read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

## DOCK ACCOMMODATION.

## OBSERVATIONS.

MR. CORRY rose to call the attention of the House to the necessity of increased

accommodation for docking Her Majesty's ships of the larger classes at home and abroad. The hon. Gentleman regretted that he had been prevented from bringing forward the Motion for a Select Committee of which he had given notice for the 13th of last month, more especially as his absence from the House on that occasion had been connected with the expression of certain opinions which had been expressed on that (the Opposition) bench with respect to the amount of our Military Estimates. He wished to state that there was not the shadow of a foundation for such a report. The sole and simple cause of his absence was his inability to attend in his place in consequence of a severe cold; and finding that he could not come down to the House, he placed himself in the hands of his friends, who thought that at that already advanced period of the Session the course he was now adopting was the most advisable for him to pursue. He trusted the answer he should now receive from the Government would be satisfactory to those who concurred with him in thinking that the subject was one which deserved the earnest consideration of Her Majesty's Ministers. The question was one in which he had long felt a great interest, having taken an active part in respect of it many years ago, when he served as a Lord of the Admiralty, having the superintendence of the Department of Works, in the Government of Sir Robert Peel; but he was almost afraid, that at a time of financial pressure like the present, and when the opinion of Parliament had been expressed in favour of applying as large a portion as possible of the means available for naval purposes to the construction of an iron-cased fleet, some hon. Gentlemen might think that he had chosen a very inopportune moment for proposing the provision of further dock accommodation, and deem it to be a question of secondary importance which might be considered at a more convenient season. But he was speaking in the presence of many Gentlemen who were practically acquainted with the wants of a steam navy, and more especially of a steam navy built of iron; and he was sure they would agree with him that it was the necessity of increasing our iron-cased navy which invested the question with its most pressing importance, and that unless they took it up in time, the money spent on our gigantic ships of war would be found in the hour of need to be, perhaps, one half of it thrown away.

In confirmation of this view he would venture to read to the House the opinion of Admiral Robinson, who, in reply to a question put to him by the Chatham Dockyard Extension Committee, said—

"I do not hesitate to say it is a national danger we are incurring in being so badly provided with dock and basin accommodation for our large steamships. After a naval engagement the country that can first repair its ships damaged in action thereby doubles its force. In that case, one ship with proper dock and basin accommodation is equivalent to two."

He (Mr. Corry) therefore hoped the House would not think that he was occupying its time upon a matter of little moment. He had no intention whatever of imputing the smallest blame to the present Board of Admiralty. It would be extremely unfair in him to do so, considering that the deficiency in such accommodation had been accumulating for many years, during which, as Admiral Robinson said—

"Although great efforts have been constantly made to keep pace with the increased size of our ships, yet the magnitude of the ships has gone on so much more rapidly than was anticipated, that the dock and basin accommodation, although it has been year by year increased, falls infinitely below the necessities of the service."

He must, however, observe that although the increase in the length of ships of war within the last three years had been greater than during the previous sixty years, yet smaller provision had been made for docks and basins in the three Estimates proposed by the present Government than in any Estimates since the year 1845, when the growth of the steam navy first compelled the Government of Sir Robert Peel to give attention to the subject. Not only had a smaller amount been taken for new works, but a smaller proportion of the sum voted had been applied to the construction of docks and basins. His noble Friend would find, that in 1845, 1846, and 1847, for the two former of which years he had himself moved the Estimates, one-half the money voted for works was expended on docks and basins. In the years 1860, 1861, and 1862, the proportion had been less than one-sixth, and he confessed that this suggested two questions to his mind—first, whether sufficient importance was attached to the subject by the present Board; and, secondly, whether, by postponing works of less pressing importance, as in 1845, a much larger amount might not be applied to the construction of docks, even without any increase in the aggregate amount of the votes for works? His noble Friend

might tell him that the present Government had given sufficient proof of the importance they attached to the subject by the plan they had proposed for the enlargement of Chatham Dockyard; but he must say the Admiralty did not appear very eager to give effect to their intentions in that respect, for the Navy Estimates for this year provided only £20,000 towards that work, the entire estimate for which amounted to £900,000. Besides, however important it might be to provide basins and docks at Chatham, it was in the Channel where the want of proper accommodation for the repair of our large ships would be felt the most sensibly in the event of war, and he trusted he should not hear from his noble Friend, that the Admiralty had nothing more comprehensive in their mind in respect of the Channel dockyards than the conversion of two short docks at Devonport into one long dock, and the completion of the north dock out of the steam basin at Portsmouth—which formed part of the original plan, so long ago as the year 1846—for which works provision was made in this year's Estimates. He doubted whether it was generally known how unsuitable to our present navy our dockyards were, even at so recent a period as 1849; from which year he dated the complete success of the screw propeller as applied to the larger classes of ships of war (as instanced in the trials of the *Arrogant*, 46 gun frigate, and the block ships), and the great increase in their length which had resulted from it. In 1849 the length of our two longest docks was 264 feet, one at Chatham and one at Woolwich. We now had wooden frigates of 280 and 300 feet long; so that in 1849 there was no dock in existence which could contain even the largest wooden frigates of the present day. In that year there were only five docks of 240 feet and upwards in the whole of our dockyards combined, and these were all in the Medway and the Thames. The longest dock at Portsmouth was 228 feet, and at Devonport 234 feet. Since then, iron-plated ships had been built up to 380 and 400 feet, and we now had built, or building, 22 ships of the line, 25 wooden frigates, 17 iron-plated ships, 6 trooperships, and 1 yacht, or 71 vessels altogether, which could not have been docked at all at Devonport or Portsmouth in 1849. In short, the reconstruction of our docks ought to have been carried on as

energetically as that of the navy itself since that period; but so slack had we been, that at Keyham, where the works were begun in 1845, one half of the north basin remained to this moment incomplete; and the Estimates for this year contained provision for a dock at Portsmouth, which formed part of the plan in connection with the steam basin adopted sixteen years ago. Before the introduction of the screw navy we had twenty-one docks for our two largest classes of vessels, thirteen for line-of-battle ships, and eight for frigates. Now we had built, building, and enlarging, nine docks of 300 feet and upwards, and one of 280 feet, the size of the *Defence*, which was the smallest of our sea-going iron ships. Out of these ten, four were unfinished; and it must be borne in mind, that not half of these docks would be available for the repair of casualties, such as those to which Admiral Robinson's evidence referred, as a large proportion of the docks was required for vessels undergoing thorough repairs, which frequently occupied from twelve to eighteen months, or even a longer period. The pressure of these thorough repairs had not as yet been felt in the case of our ships of the larger classes, because they were nearly all new ships; but the time was fast approaching when they would require to be repaired far more frequently, and more extensively, than the ships of our old sailing navy, because the wear and tear of steam ships was far greater than of sailing ships, and the heat of the engine rooms was known to occasion premature decay. Even iron ships were often in dock for six months at a time, undergoing extensive repairs. In respect of casualties in time of peace, the calculation was that a sailing ship would run five or six years without being docked, but that steam ships required, on the average, to be docked once a year, and iron ships once in every eight months; so that the demand for the repair of casualties also would be much greater than in former times. Only two days ago, in Portsmouth dockyard, he saw a troop-ship which had been fitted for sea only a few months ago, and had made only one voyage, and that to Ireland, yet she was now in dock and required repairs which he was informed it would take three weeks to complete. If these considerations were calculated to lead to the conclusion that our accommodation for docking our larger classes of ships was inadequate, he did not think we should have more reason to be satisfied

with it on a comparison with the resources in that respect of France. He found that in France the area of the dockyard basins was 80 acres, chiefly accessible to the largest ships at their load draught at all tides; while in England the area of the dockyard basins was only 40 acres, chiefly inaccessible to the largest ships even at spring tides. The number of docks in France, including those in progress, was 22, of which only 7 were under 280ft. in length. In England the number was 32, of which no fewer than 22 were under 280ft. Of docks measuring 400ft. and upwards there were in France 8, in England 4; 350ft. to 400ft., in France 2, in England 2; 300ft. to 350ft., in France 4, in England 3; 280ft. to 300ft., in France 1, in England 1. Total of 280ft. and upwards, in France 15; in England 10. Of docks, with 27ft. water and upwards over the sills at spring tides, there were in France 12; in England 6. France, with half our navy, had double our area of basins, twice the number of deep docks, and one-third more long docks. France, therefore, must have been unduly extravagant in respect of docks, or we unduly parsimonious. He should not institute particular comparisons, except as between Portsmouth and Cherbourg dockyards, the position of which invested them with peculiar importance for the defence or attack of this country. In Portsmouth there were two basins of 11 acres, with 25 feet 6 inches of water over the sills at high water, spring tides; in Cherbourg there were three basins of 50 acres, with 30ft. over sills at high water, neap tides, or basins deep enough every day in the year for the largest ships loaded. In Portsmouth there were 3 docks of 300ft. in length and upwards; in Cherbourg there were 6. In Portsmouth there were 2 docks with 27ft. water over the sills at high water, spring tides; in Cherbourg there were eight with 27ft. and upwards. Cherbourg, therefore, had five times the area of basins, twice as many long docks, and four times as many deep docks. Surely that was a state of things which could not be considered satisfactory, and he thought that when we were charging posterity with millions for the defence of the dockyards, we should, at least, hand down to it dockyards which should be worth defending. His noble Friend might, perhaps, say that in future iron-cased ships would not be built of such great length as the *Warrior*. That might be the case with re-

spect to ships intended for coast or harbour defence, but the great bulk of our navy must, as heretofore, consist of seagoing ships, fit to be sent wherever their services might be required, and combining all the conditions essential to the efficiency of a man-of-war. One of those conditions was speed, and as the enormous weight iron-cased ships had to carry required great area of midship section, the fineness of lines necessary to speed could not be obtained without great length, and it did not therefore appear to him that any great diminution in the length of our seagoing iron-plated ships was to be expected. But even if, at a great sacrifice of speed, we contented ourselves with vessels of the *Defence* class, of the length of only 280ft., or 100ft. shorter than the *Warrior*, that would not affect his argument in any way, for, in the enumeration he had made, he had included docks of 280ft. long; and he contended, that whether we built ships of the length of 280ft. or of 380ft., additional accommodation for keeping them in repair would be imperatively necessary.

With respect to the necessity of providing docks on our distant naval stations, he should not trouble the House with any remarks of his own, as he believed his hon. Friend the Member for Birkenhead, whose opinion would carry with it so much greater weight, would state his views respecting it before the discussion concluded. It was perfectly clear, that if we were to employ on those stations iron ships requiring to be docked at least once a year, the necessary accommodation for that purpose would be indispensable. He had endeavoured to answer by anticipation some of the objections with which he might be met; but he had no doubt that the great objection which would be made to the extension of the dock and basin accommodation he thought necessary would be one of a financial character. He did not think he would be told that our present dock accommodation was sufficient, but he would, in all probability, be asked, Where was the money for its increase to come from? In reply to such a question he would ask if additional docks were necessary for the maintenance of the efficiency of our fleet, and if an efficient fleet was indispensable to the safety of the country, had we come to such a pass that we could not afford the small additional outlay necessary to provide them? His hon. Friends who sat near him, and who had commented on the great in-

crease in the amount of the Military Estimates, had declared, at the same time, that whatever was necessary to the safety of the country ought, at whatever cost, to be provided; and he would remark, that the annual Vote for works had not participated in the general increase of the Navy Estimates. Comparing a period of comparatively low expenditure with the present, he found that in 1845-6-7-8 the average of the annual Estimates was £7,522,000; the gross sum voted in those four years was £30,088,000. The sum voted for works in the same period was £2,200,000, or more than 7 per cent of the whole amount. In 1859-60-1-2, the average of the annual Navy Estimates was £13,000,000. The gross sum voted in these four years was £52,000,000. The amount voted for works was £2,024,000, or less than 4 per cent of the gross amount of the Estimates, and actually £176,000 less than the sum voted for works in the years from 1845 to 1848 when the entire amount of the Navy Estimates was so much smaller. The disproportion would have been greater but for the Estimate for works in the year 1859, proposed by his right hon. Friend the Member for Droitwich (Sir John Paxton), which was £188,000 more than the average of the last three years. If the Government would only revert to the Estimates for 1859, and apply the £188,000 thus to be obtained to the construction of docks and basins, in addition to the sum of £70,000, which had been the average so applied in the last three years, we should have upwards of £250,000 a year available for these works, which he thought would meet the necessities of the case. He was by no means an advocate for an extravagant extension of the dock-yards. He had seen plans for an extension of the works at Keyham, providing three docks and ten acres of basins, the estimate for which was £500,000; a plan for the extension of Portsmouth, giving four docks and twenty-six acres of basins, estimated to cost £750,000; and another alternative plan for works in Southampton Water, estimated at £500,000. A sum of £1,500,000 would probably provide for all he considered absolutely necessary at Devonport and Portsmouth, and at an annual expenditure of £250,000 the works might be completed in six years. When the Navy Estimates were £12,000,000 a year, surely it was absurd to say they could not afford that small addition to the amount, when it was required to give full efficiency

to the navy. He had drawn attention to the subject from a conviction of its deep importance; and he was satisfied, that if it were more generally understood, the public voice would be as loud in demanding additional docks as in the demand for additional iron-cased ships. The more we increased the latter, the greater would the necessity for the former become; and he hoped to hear from his noble Friend that the subject would be dealt with in a comprehensive spirit in future Estimates. He concluded by asking, what were the intentions of the Government as to the dock accommodation for the navy?

LORD CLARENCE PAGET said, he was glad to find that his right hon. Friend had made upon this occasion a much more moderate proposal than that of which he originally gave notice; but, nevertheless, the present proposals of the right hon. Gentleman would involve a great increase in the public expenditure. In answer to the right hon. Gentleman's observations, he (Lord C. Paget) believed he could show, that though the present dock accommodation might not be so extensive as many persons considered requisite, yet, on a calm review, there was no cause for alarm as to any evil results to the efficiency of their fleet in time of war from a want of such accommodation. His right hon. Friend had referred both to the dock and basin accommodation, and of course he had drawn comparisons between the extent of that accommodation in England and France. He (Lord C. Paget) was perfectly willing to admit that the French had gone to an enormous expenditure in the construction of their dockyards, but he denied that we ought necessarily to imitate the policy which might have induced the French Government to create works of such magnitude. It might have had reasons for employing large bodies of men in its seaports as a question of public policy, quite independent of considerations of the real requirements of their navy. The French Government went to a much greater expenditure on public buildings of every kind than we did in this country. That might or might not be an advantage to France; but he believed the course adopted in England was the wisest—they only constructed great public buildings when absolutely required. Instead of creating great public establishments with a view to future wants, they were satisfied to create them according to the wants of the day. However desirable it might be

to increase the dock and basin accommodation in the dockyards hereafter, he begged the House to consider the enormous expense of the navy in every branch, and to be satisfied to confine their wants to the necessity of the moment. In comparing England with France, his right hon. Friend had omitted to notice a most important point—that nature had provided for England what she had not provided for France—namely, that in England we had a number of great ports which were themselves natural basins. The dockyard of Portsmouth was a natural basin, in which they could lay ships alongside the yard, at all times and in all seasons, perfectly safe from the weather. Again, at Devonport we had a beautiful natural basin, in which ships could lie alongside the dockyard at all times. There was scarcely a single dockyard in France in which this could be done. Cherbourg, no doubt, was a magnificent port, but ships could not lie alongside the port itself, and artificial basins had to be constructed for the purpose. In Brest and Toulon it was the same. He was not at all prepared to say that it was not a matter deserving of consideration whether we should not further increase our basin accommodation. Her Majesty's Government had not lost sight of so important a subject; and he might mention, as a proof of the attention they had bestowed upon it, the fact that in this year's Estimates they had proposed a sum for the enlargement of the basin at Keyham. His right hon. Friend was not satisfied with the progress that was being made at Chatham; but certain legal proceedings and preparations had to be gone through before those works could be proceeded with at much greater speed. The Admiralty had under their consideration a proposal made by a distinguished officer at Portsmouth dockyard for increasing the basin accommodation by the simple process of creating within the harbour a certain amount of floating wharf accommodation, somewhat similar to what was now done at Liverpool, by means of which vessels could be repaired. Considering, therefore, that France had few natural basins, and that the public works of France to supply this deficiency were on a scale much greater than was necessary for a country possessing fine natural basins like those of England, he thought it would be very unwise in the Government to bring forward any new proposal in respect of basin accommodation which

would involve any considerable expenditure beyond that adverted to. So much for the question of basin accommodation. He would next pass to a consideration of the question of docks. He readily admitted that no one was better entitled to offer an opinion upon that subject than his right hon. Friend, who had throughout his whole political life been connected with the navy, and who might fairly be called the father of many of the great works in our dockyards. His right hon. Friend was a great advocate for brick and mortar works in our dockyards; but he would remind his right hon. Friend that the moment people began to tamper with brick and mortar they never knew where their labour and their expenditure would end. His right hon. Friend had quoted Admiral Robinson to show that the country that could soonest repair its iron-cased ships after an action would conquer the seas. He had the highest respect for this opinion; but when officers like Admiral Robinson were examined before Committees, they were asked for their opinion on some particular want of the service, and not on the general question of economy or relative expenditure. If the question had been put to Admiral Robinson, whether, with Estimates of the present magnitude, it would be right to propose an addition of £1,250,000 for docks, his answer might have been different. That was a question for the House of Commons to consider. The right hon. Gentleman truly said that steam ships required docking and repairs much oftener than sailing ships. It was also true, no doubt, that owing to the destructive character of modern ordnance, a fleet would require much more extensive repairs than was formerly the case after an engagement. He would admit, moreover, that iron-cased ships would require docking much oftener than wooden vessels. He would now proceed to state to the House the exact amount of our dock accommodation, and in doing so would confine his observations to the larger class of vessels. The right hon. Gentleman had given a list of iron-cased ships, and of the docks for their reception, but he had omitted to include the docks that were building. [Mr. CORRY: No.] Then the right hon. Gentleman had made a great error in his figures. We had, irrespective of the intended enlarged dockyard at Chatham, either built or building in our dockyards, four of the largest docks, which would take in the largest class of ships. There was in addition at Chatham a dock

in which the *Achilles*, one of the largest class of vessels, was actually being built, but which he would not include, because there was not water in the dock to float that vessel when she was loaded. But would his hon. and gallant Friend the Member for Wakefield (Sir John Hay) tell him that he could not repair his ship after an action in a dock with 23 feet 6 inches of water because she drew 26 feet of water? Why, his hon. and gallant Friend would take out his guns and stores, and, having lightened his ship, would repair her in the dock. [Sir JOHN HAY: At a great loss of time and much expense.] He did not assert it would be done without inconvenience; but he thought he should astonish his naval friends when he told them the extent of our dock accommodation. There were three iron-cased vessels of the *Aigincourt* class, 400 feet long, built or building, and three of the *Warrior* class, making six vessels of the first-class. There were either built or building four docks, which would take in these vessels when loaded, or nearly so, besides the dock at Chatham, which would take them in after lightening. If it were said that four docks of this size were not enough, he would ask whether it was not worthy of consideration whether the Admiralty were to go on building an indefinite number of vessels of such extreme length and difficulty of handling? This was a question that he would not enter upon at present, but he would take our whole iron-cased fleet, which he would put at twenty-five ships. Well, there were now built or building seventeen docks, which would take in these twenty-five ships, including all the classes of iron-cased ships now building or already built. [Mr. CORRY said, that the noble Lord had included the floating batteries.] If the right hon. Gentleman excluded the floating batteries from the calculation, the proportion of dock accommodation to the number of vessels was so much the greater. The question, then, was whether, looking to the present wants of the navy, these seventeen docks were not enough. At Chatham there were two docks which would take in vessels of the *Royal Sovereign* or the *Prince Albert* class. His right hon. Friend had told them that at Sheerness there was nothing; but at that place there were two docks, which would take in either the *Royal Sovereign* class or the *Prince Albert* class.

Mr. CORRY explained that he had particularly referred to iron-plated sea-going ships, such as the *Defence* and vessels of that class. The *Royal Sovereign*, cut down to the water's edge, could not be called a sea-going vessel.

LORD CLARENCE PAGET considered that ships of the *Royal Sovereign* class were perfectly fit to go to sea, and so were those of the *Prince Albert* class; and the right hon. Gentleman, if he came back to the Admiralty, and told the officers in command of those ships that their vessels were not able to go to sea, would greatly surprise them. He was perfectly willing to admit that those ships did not carry stores and coals suitable for service across the Atlantic; but for the purpose of going out and fighting a battle in the Channel they were just as fit as any ships in the Royal Navy. He had figures in his hand, furnished to him by the authorities at the dockyards; but, in order not to detain the House, he would only repeat that there were seventeen docks, built and building, for the general purposes of iron-cased ships. This was in addition to the new dockyard to which he had alluded, and to which the House had already agreed, at Chatham, or rather, the extension of that dockyard, in which, he believed, would be contained something like four docks. These, though they could not be counted as docks just yet, were, nevertheless, authorized by Parliament. His right hon. Friend made a great case of the usual comparison with the French docks. No doubt the French had a vast amount of dock accommodation; but, with respect to the Atlantic seaboard, the French were very little better off than the English. In their Atlantic ports the French had altogether sixteen docks. He was referring to the larger class of French docks. His right hon. Friend had told the House that the French ships could actually go into their docks at all times of the tide; but, in reality, the French had, at the present moment, only one dock in their Atlantic ports, and that was at Brest, into which their large-sized vessels could go, except at spring tides. At Havre, which was a mercantile port, he believed that additional dock accommodation was preparing. Such was the present state of the French; and, let him add, that the English were actually in the same position, for there was but one port—at Devonport—which would take in a first-class iron-

cased ship at high water in neap tides. These were matters of detail which he was obliged to go through; for, when the right hon. Gentleman alarmed the House by stating that this country was totally unprepared for anything like a European war, he thought he was bound, on the part of the Government, which had carefully considered these matters, to show that such was not the case. In considering the question of dock accommodation, and in comparing the amount possessed by this country with the amount possessed by France, the great advantage to be derived from the English commercial ports ought not to be overlooked. If the French fleets were disabled, it had nothing to fall back upon but the Government dockyards alone, for there did not exist in France great commercial ports which might be used in aid of the Government dockyards. Of all the commercial ports along the whole coast of France, it was actually only at Havre that there was at present in preparation a dock available for the great iron ships of the French navy. But what was the case in respect to England? The hon. Member for Birkenhead (Mr. Laird) could tell the House that at Liverpool there were built and building at the present moment docks, together with other facilities, which would really count for resources to this country in the case of emergency. At Southampton there was a dock capable of taking in the *Warrior*. At Cork there was spacious dock accommodation; and also at other ports round the coast, besides those he had mentioned, amounting to something like fourteen or fifteen more in number. Now, let the House compare this state of things with the dock accommodation possessed by the country in former times. He did not mean to say, that if the building of these great ships should be largely developed, it might not be necessary to increase the dock accommodation, but he maintained that they now possessed both docks and ships, and there was nothing the country needed to be alarmed at. He should like to give the House a notion of what their forefathers thought requisite for the docking of their fleets. He would refer to the year 1815, because in that year the country probably had more pennants flying and ships afloat than at any other period of English history. At that time this country had 219 line-of-battle ships, and only fourteen docks capable of taking in those 219 ships, or one dock for

about every fifteen ships. He thought, then that he had shown that though at the present day the wants of the country might be greater, the Government had not neglected those wants. In conclusion, he desired to mention that there was at present a very serious question before the Government in regard to dock accommodation. At this moment they had no means of docking a vessel at Bermuda; and he thought it wise to consider of the best mode of effecting this object, and to determine whether there should be formed one of those floating docks which were deemed advantageous in places where there was little rise or fall of tide. He believed that in the colonies generally there existed no great want of docks. At Malta there was a dock which could take in the *Warrior*, though he believed that it required some alterations for the purpose. There was also under consideration the question of a second dock connected with great improvements at Malta. The other night the hon. Member for Birkenhead told the House that they ought to construct docks all over the world. The fact was that for this they must trust to their colonial industry, and the colonies had generally got docks. In Australia there were two docks which, though they would not take in the heaviest class of ships, were very fit for vessels of twenty feet draught of water. At Bombay there were two fine docks for vessels of a light draught, and there existed likewise docks at Singapore, Hong-Kong, Amoy, and at various other points on the coast of China, which might not, indeed, be sufficient to receive such vessels as the *Achilles* or *Warrior*, but were nevertheless large enough to take in the smaller-sized vessels. It was right that the House should be informed of these things, and also that large sums of money were being laid out at mercantile ports in enlarging dock accommodation, though the public service might not be proceeding to so great an extent, perhaps, as his right hon. Friend would wish; for the right hon. Gentleman's time at the Admiralty was looked on as the golden age, when he was the Palladio of that establishment. The right hon. Gentleman used then to go down to the Board and propose gigantic works; and in going the round of the yards, if a person asked who constructed this or that great work, he was sure to be answered "Mr. Corry." His right hon. Friend had left his mark upon all the dockyards. He

gave his right hon. Friend credit for his exertions; but he asked him now to sit down contentedly, satisfied that succeeding Governments would take pains to increase the dock accommodation wherever it might be required, and not to alarm the House by statements that this country was unfit, in the case of emergency, to assume her proper station.

MR. LAIRD said, the noble Lord the Secretary to the Admiralty now admitted that Government were constructing a dock at Bermuda, and a second dock at Malta, though he turned into ridicule the suggestions which he (Mr. Laird) had made upon the subject of docks on a former occasion. [Lord C. PAGE: Not at all.] It was not he, but the noble Lord himself that talked of building docks all over the world. His own observations were confined to our stations abroad. As the noble Lord had made that statement, he (Mr. Laird) supposed that his representations had produced some effect, and he should not go into details upon which he should otherwise have entered. There was one point in particular to which he wished to call attention, and his views upon the subject were confirmed by those of the responsible officers of the Admiralty—the want of basin accommodation. That want had caused a great increase of cost to the country in the management of the navy, for when a ship was obliged to refit in the stream, as the men were obliged to go backwards and forwards in boats, and all the stores had to be taken out, a great part of the time was lost. So greatly were the advantages of basin accommodation valued by the merchant service, that docks had been constructed in the Thames on both sides of the river. In the evidence which Captain Washington and Admiral Robinson gave before the Chatham Dockyard Committee, they stated that the want of basin accommodation was very demoralizing to the men employed, who lost 20 per cent of their time going backwards and forwards; it added to the expense, and created great difficulty in carrying on the work. The whole basin accommodation now in all the Government dockyards was only about forty acres. And yet an enormous sum of money had been spent on those dockyards, into which they constantly saw that vessels could not enter. About £1,500,000 within a few years had been spent in patching and altering the docks. Would it not be better to see at once whether, by a judicious construction of docks,

the cost of the necessary outlay would not be repaid? He had no doubt that a proper addition to the basin accommodation, if it did not repay the whole cost in a few years, would at any rate pay a very large interest on the outlay. There were plenty of docks in the country long and wide enough, but the draught of water was not sufficient. It might be sufficient if they took the stores out—[Lord C. PAGET: Hear, hear!]—but there was no time for that. He maintained, that in order to work the navy economically, this country ought to have basins where all the necessary stores could be put on board, and wheret the ships could be taken in or out without lightening them. He had communicated with every public and private dockowner in the country, and he had no hesitation in saying that at this moment there were only two private graving docks in the country that would take in the *Warrior*, or any vessel of that class. There was one at Birkenhead, a private one, that would take in the *Warrior* with all her stores on board, and there was another at Southampton. On the Liverpool side of the Mersey there was one large entrance to a dock, or rather it was a lock, that the *Warrior* could be taken into; but she could not lie there without stopping the commerce requiring to pass into and out of the dock. He did not deny that, in case of emergency, the vessel could be placed there to be examined. He had often done this himself; but vessels could not be allowed to lie there, or else the whole trade of the port would be stopped. The entrance to the Huskisson dock at Liverpool was another of the same kind; but as for regular graving docks to receive the *Warrior*, there were but two in the country. Now, with regard to the question of cost for additional basin accommodation, it would not be enormous if it were gone properly about. The graving dock at Birkenhead that he had spoken of cost about £25,000, and the one at Southampton £60,000. Taking the floating basins and docks at Birkenhead as a guide, he believed that the necessary additional basin accommodation for the navy could be constructed for £25,000 to £30,000 an acre; so that a sum of £1,000,000 or £1,200,000 ought to be sufficient to double the present dock accommodation. But if they were to go on as they had done, spending £1,500,000 in patching and altering, they would be very little better off than they were at present. Looking at the change from sail-

ing to steam-vessels, and from a wooden navy to an iron one, he would still maintain that we should require a much larger extent of basin and graving dock accommodation than we had now. If we must maintain our naval superiority, as all admitted that we must, then we must also provide dock accommodation. It was what any man would do in his own business—that was the test; and what was economical for commercial men was economical for the country. He was glad to hear that a dock was to be built at Bermuda and another at Halifax, because if we were to have war with America, it would not do to bring our vessels for repairs across the Atlantic to this country. And the same remarks would apply, in case of war with France, to the convenience of docks at Malta, where we were to have two. If docks were not provided now in time of peace, the result would be that we should go into the matter when there was war, and in our haste we should spend three or four times as much money as would be necessary at present. He believed that an expenditure of £200,000 a year for five or six years, would put the country in a safe condition as regarded the Channel fleet.

SIR JAMES ELPHINSTONE said, that the Government had entirely altered their tone since last year with respect to the necessity for additional docks and basins. The noble Lord had spoken more like a Chancellor of the Exchequer than a Secretary to the Admiralty, and had, by confounding the two subjects of docks and basins, completely mystified the debate. In the Committee on Chatham Docks last year, of which he (Sir James Elphinstone) was a member, Admiral Robinson was asked whether he considered there was sufficient dockyard accommodation for the existing fleet; and he said certainly there was not, and added that he did not hesitate to say that the want of sufficient docks and basins was attended with national danger. The growth of ships, he said, far exceeded the growth of docks and basins, although great efforts during the last ten years had been made to keep pace with it. He also stated that the creation of a steam fleet rendered an immense amount of dock accommodation indispensable. Admiral Robinson was then asked a question as to the extent of the basin and dockyard accommodation in France; and he said the docks and basins in that country exceeded

two hundred and twenty acres, as opposed to forty acres of docks and basins in England, which included a basin at Deptford, and another at Woolwich, which were worthless for the purposes of large ships. At Cherbourg alone there was a floating dock of fifty acres, and the whole harbour at Brest was a floating basin. The opinion of the Surveyor of the Navy, and the evidence of Captain Washington, was in favour of an increase in dock accommodation; and upon their evidence the Committee of last year recommended that the docks at Chatham should be enlarged;—and in his view of the case, the new works there would cost the country £1,000,000 before they were completed. Now, what was the position of Chatham in reference to this question? It was the opinion of every sea-faring man, that if the fate of the country should ever come to depend upon the issue of a naval battle, that battle must take place in the Channel, and in that case they ought to have a place near in which they could repair the ships which might be disabled. Now, supposing six or eight of our ships to be disabled, what would be the use of our basins at Chatham? Actions in the present day would not be like the actions of former days, for with the improved artillery, two wooden vessels in close action would not last for many minutes; and in the event of iron ships suffering, harbours for their reception ought to be very near at hand. He would look at this question from the point of view of a ship-owner, and he would say that anything more reckless or disgraceful than the system pursued by the admiralty in the management of the dockyards could not be. In 1794 the East India Company were so impressed with the disadvantages of fitting in the stream, that the East India Docks were constructed, and in 1805 the West India Docks were made; and a great saving had resulted to all those shipowners who had resorted to them—an improvement which had since been followed by every mercantile community in the kingdom. As to repairing ships in the Hamoaze, it was well known that in some weathers the men could not get off the shore, or from the hulks in which they lived; and as to hulks, every Commission or Committee which had sat on the subject of the dockyards and their accommodation had denounced the system of hulks, and had recommended barracks instead, and had also strongly recom-

mended basins, in which the ships might be refitted. If the ships could be docked, the men employed would be able to live near their friends, and would learn habits of sobriety and good conduct, and be weaned from those irregularities and vices to which seamen were prone; and if this country had more dock room, there would not be the necessity which now existed for sending their ships and men to Lisbon in winter, to spend their money in a foreign country. He could not allow the noble Lord the Secretary to the Admiralty to ride off upon the platitudes and generalities with which he had overlaid this subject during this debate, without making some observations against the course pursued by the Admiralty. With regard to the Colonies, he found there was no dock room at Calcutta larger than would dock the *Pylades*, which he believed was a 22-gun ship. At Hong-Kong and Whampoa there was no dock, and at Bombay there was the dock in which all the old wooden ships had been built. Then at Sydney there was not dock room for a ship of more than 1,500 tons. There was not, as he had been informed, a single dock in India or New South Wales which could take in the flag-ship on the station if required. The noble Lord admitted there was no dock at Malta, Bermuda, or at Halifax, sufficient to take in the *Warrior*. Then where were those docks of which he had spoken? He (Sir James Elphinstone) did not know; and that being the state of the case, he should support the Motion of his right hon. Friend, and he trusted the House would hear from another Member of the Government a more satisfactory account than the noble Lord had given them.

CAPTAIN TALBOT said, he considered the question before the House not only one of efficiency, but of economy; because, by a judicious expenditure of money in providing dock and basin accommodation, a large amount would be saved to the public. The present system of fitting, arming, provisioning, and storing our ships in the stream was utterly absurd; and the sooner it was put an end to the better, which could only be done by having large and deep floating basins, with ample quay accommodation. When he looked across the Channel, he found that France had seen the necessity of abolishing the system; and the mercantile marine of this country had also given it up, in consequence of the very large ex-

pense it involved. He would suppose the case—one which he said was not unlikely to occur—of the Channel fleet comprising ten or a dozen *Warriors*, after cruising for a certain time, requiring to be refitted and re-coaled, and anchoring at Spithead for the purpose. What organization, he should wish to know, was provided to admit of the object being carried into effect? The probability was that the ships would have to wait for a considerable time for high water to take them into Portsmouth Harbour, where no adequate means were provided for placing coals or provisions on board. The consequence would be that the fleet would have to be divided and the ships sent, some to Plymouth, some to Chatham, others elsewhere, after a haphazard fashion, which he thought entirely inconsistent with the due maintenance of our naval power. He thought the House ought to enter into the discussion of the subject with enlarged and clear views; they should consider a proper and sufficient system for the accommodation of the navy to be a matter which touched the honour and dignity of this country, especially as they had been told, on the authority of Rear Admiral Robinson, the Comptroller of the Navy, "that with proper dock and basin accommodation, one ship would do the duty of two," and also "that the nation that could first repair its damaged ships after an action, would thereby at once double its force." He could not but admire the policy that had been adopted in France. The French had long been impressed with the great importance of this subject, and had for many years, and again quite recently, made large additions to their dock and basin accommodation; and he was afraid that our exertions in that direction could not for a moment be compared to theirs. He was glad to hear, however, that the Government had, to some extent, carried out the suggestions made by the hon. Member for Birkenhead (Mr. Laird) last Session. In regard to foreign stations a good deal of money would be saved in the end, and efficiency secured, by our having small establishments abroad where our ships could be refitted in the shortest possible space of time. By sending them home for repair we lost their services during many months, and, in addition, risked their being taken by the enemy in time of war. In his opinion, the great fault of the Admiralty for years past had

been the adoption of a patchwork and shifty system. The time had come when we must look ahead, and see whether we could not devise a large and comprehensive plan capable of extension to keep pace with the requirements of the service. All now admitted the necessity for additional dock and basin accommodation—the question for consideration was, where that accommodation should be provided. He was not prepared to express any very definite opinion upon that point; but, at the same time, he confessed he was surprised at the conclusion to which the Royal Commissioners had come. No one could doubt, of course, that there should be some dock and basin accommodation at Chatham; but he thought it would be unwise to spend any very large sum of money at that place. Chatham was reached through the most difficult part of the Channel, and the Medway was a narrow and tortuous river, presenting serious obstacles to the progress of large ships; and a part of the plan approved of by the Commission was to expend £45,000 in dredging that river—a sum, in his opinion, much more useful if used for the deepening of the entrance to Portsmouth Harbour. Our docks and basins should be constructed where our ships were most likely to be employed, and where they could be got ready for sea with the least possible delay. The French had constructed Cherbourg almost solely with the intention of making it a fitting dock. After an engagement in the Channel their fleet would be able to enter Cherbourg at all times of the tide, and when refitted it would be ready at once to go to sea. Our fleet, on the contrary, would have to be dispersed all over the island, and would thus be liable to be taken in detail. He trusted that no reasonable expense would be grudged for improving our position in this respect. Both efficiency and economy would be gained by a wise and liberal expenditure of money in the construction of new docks and basins.

MR. WHITBREAD did not intend to follow the hon. Baronet the Member for Portsmouth (Sir J. Elphinstone) through the whole of his speech, nor would he say more of the alarming picture he had drawn of the frightful and disgraceful state of demoralization into which the British navy had fallen, owing to the practice of fitting out vessels in the stream than that he did not believe it to be accurate. The hon.

Baronet, having settled the precise spot where the naval action big with the fate of England was to be fought, had informed the House that, in consequence of the improvements made in modern artillery, a combat between a British ship and one belonging to the enemy would be so decisive that for one of the vessels dock accommodation would be perfectly useless, while for the other it would not be required. He had also stated that the tone of the Government had undergone a change in regard to the increase of dock accommodation since the publication of the Report of the Select Committee. He would like to know in what respect it was different. It would be recollect that the recommendation of the Committee was, that if more dock and basin accommodation were required, there was no place where it could be better provided than at Chatham. The Government did not delay to act upon that suggestion, but, on the contrary, submitted to the House a vote which would enable it to construct such an establishment at Chatham as would not only be superior to the best existing dock in England, but equal to anything of the kind in France. Moreover, the House had already sanctioned an extension of the basin at Keyham, which it was intended to make large enough to admit vessels of the *Warrior* class; and in the Estimates for the present year provision had been made for the construction of two more docks at Portsmouth, for the accommodation of the largest ships. He might state, further, that plans were now under consideration for providing a large extent of additional quay accommodation at Portsmouth, which, for all purposes of fitting out vessels, would be quite equal to basins. The hon. Member for Birkenhead (Mr. Laird) had complained that for several years past the Admiralty had been patching up existing establishments, with the view of rendering them capable of accommodating large vessels. Surely the House would not join with the hon. Member in censuring the Admiralty for pursuing so wise a policy. The last instance of the kind was at Keyham, and in this year's Estimates they had taken the sum of £6,000 for a further increase of those docks. If the Admiralty had not taken the course of proposing the enlargement of the existing docks, but had proposed to construct new ones, and for that they must have found new sites, and built new

factories, and provided new accommodation for the workmen and the staff. The expense of that would be enormous; whereas the cost of altering existing docks—such, for instance, as the dock at Keyham—so as to enable them to accommodate ships of the largest class, would be comparatively trifling. Something had been said by the last speaker against the selection of Chatham. That question was considered before the present Government came into office, and the right hon. Baronet the Member for Droitwich (Sir J. Pakington) had recorded his opinion that Chatham was the best place which could be chosen as the site of large docks and basins for the refitting of ships. It seemed to be taken for granted that the decisive action must be fought just outside the Isle of Wight. But, many years ago we had a large fleet in the Baltic. We might have a fleet there again, and he submitted that for ships coming home from the Baltic Chatham was, at least, as convenient a port as Portsmouth, or any other place in the Channel. A complaint had been made that the Government had not taken a sufficient Vote for the works at Chatham. He assured the House that the amount of work was not to be measured, in the first instance at any rate, by the sum put down in the Estimates. For some time to come the work at Chatham would consist almost exclusively of excavation, and he need hardly say that it would be done by convicts.

SIR JOHN PAKINGTON thought the object his right hon. Friend had in view in raising this question would be sufficiently answered if he had reason to believe and hope that the serious attention of the Government would be directed to the subject, although he confessed he wished his right hon. Friend had been able to elicit still more distinctly something like an intention to carry out this great object hereafter. He was sorry, however, to say, that although he hoped the hon. Gentleman who spoke last was alive to the importance of the subject, the tone of the noble Lord's speech was rather more evasive than he liked to hear. If he were to render that speech into briefer and plainer English, it would amount to something like this:—"We do not deny the importance of the question, we do not deny that the subject is pressing; we acknowledge that what you propose ought to be done. But

England cannot afford to do it." Now, that was a question which the present Government ought well to consider; for if there was any financial difficulty, he could only observe that it arose from the reckless manner in which they had thrown away a portion of the resources of the country. It was for the House of Commons to take care that our great naval arm should not be weakened by improvidence of that kind. The noble Lord appeared rather to evade the merits of the question, and imputed to his right hon. Friend a desire to promote extravagance; he even ventured to insinuate that his right hon. Friend had been guilty of extravagance in former days with reference to Keyham dockyard. Now, he thought the country much indebted to his right hon. Friend for having, when in office some years ago, originated the great improvements which had been carried out at Keyham. His noble Friend would admit that it was impossible to refer to a higher authority on such a subject than the late Sir James Graham. Now, in the first instance, when his right hon. Friend brought forward the plan for enlarging Keyham dockyard, Sir James Graham was strongly opposed to it; but at a subsequent period, when Sir James Graham was again at the head of the Admiralty, he complimented his right hon. Friend, acknowledged his original error, and said the country were greatly indebted to him for what he had done; and Sir James Graham himself proceeded to add to Keyham dockyard and enlarge the basins there. The noble Lord had taunted his right hon. Friend with being the Palladio of the dockyards, and indulging his taste with colonnades and pilasters; but the fact was, his right hon. Friend had nothing to do with the colonnades and pilasters at Keyham, to which the noble Lord referred; these were added by a subsequent Board of Admiralty. But, after all, the real question was whether they ought not to provide dock and basin accommodation according to the proportions of the ships that were being built. That was a question of common sense. Who would think of buying a horse when he had no stable, or a handsome carriage when he had no coach-house? No doubt, a stable or coach-house might be hired; but the requisite dock and basin accommodation could not be hired. That accommodation, he repeated, should be according to the proportions of the ships

being built. His noble Friend rather tried to mystify the House in his statement as to the extent of dock accommodation the country at present possessed. Now, here was the Return which had been made on the subject, and what did it show? There were two columns. The first showed what was the present dock accommodation, and the second what it would be when the proposed alterations were carried out. The test laid down was the docks which would admit the *Warrior*, and the number of days in each month in which that vessel could be docked at each of the Government yards. He found it ran thus—Deptford, not at all; Woolwich, not at all; Chatham, not at all; and so on. Going down the column of Dockyards till he came to Portsmouth, he found that was the only dockyard where at present the *Warrior* could be docked at full tide on six days during the month. At Pembroke there were twenty-four feet of water, but the *Warrior* drew twenty-seven feet; and when lightened, her guns and stores being removed, he believed they could not reduce her to draw only twenty-two feet, so as to get her into that dock. Now, the *Warrior* was afloat, the *Black Prince* was afloat, and they were adding to the navy as speedily as they could four other vessels of that class. The question then arose what docks had they to put them in? and it appeared that at the present moment we had but one dock capable of receiving our largest iron-plated ships. This consideration alone was enough to justify his right hon. Friend's remarks. Then as to the other column, which related to the accommodation we should have when the proposed alterations were carried out—taking all the docks in England there would be only four, one of these being a second dock at Portsmouth, in respect to which there was a somewhat important limitation in the words noted in the Return, "any day when in the basin or when entering the basin." Thus even the prospective dock accommodation was reduced to three instead of four. Then as to basin accommodation, it should not be forgotten that we were not standing still, but retrograding. While increasing the size of our ships we were not only not increasing, but actually diminishing, our available basin accommodation. Our basin accommodation, which a few years ago at Portsmouth would take in eight of our large ships, would now, from the increased size of our ships, only accommodate four.

Sir John Pakington

He did hope that the Government would seriously take this subject into their consideration, and not be deterred by the necessary expenditure it would involve. His noble Friend had tried to alarm the House with an exaggerated idea of that expenditure. His right hon. Friend, indeed, had mentioned the sum of £1,250,000, but it was right to point out that that expenditure would be spread over six or eight years, and would not add more than £200,000 to the annual Estimates.

SIR JOHN HAY said, that as the noble Lord had referred to him, he would just state to the House what had actually occurred within his experience. During the Crimean war the Black Sea fleet had to be repaired at Malta. They all had to be docked, and the necessity of docks was greatly increased by the use of steam power. The dock at Malta was one of those docks to which the hon. Member for Birkenhead (Mr. Laird) so well alluded. The dock had been constructed with twenty-one feet of water over the sill, and was just long enough to take in the largest ships that were then employed in the Mediterranean. Shortly after it was constructed, it was found that steam-ships required much more dock accommodation, and it was therefore decided that the dock should be lengthened. It was lengthened accordingly, but the sill was not deepened; and the inner part of the dock being made ten feet deeper than the outer part, there was no possible means of getting ships through the shallow outer dock into the deeper inner one. The ship that he had the honour to command required to be docked at Malta in order to be repaired; and as she drew twenty-seven feet of water, it was necessary to lighten her to twenty-two feet, by taking out all her guns, her coals, her stores, her top-gallant masts, and part of her engines and machinery. The preparations for getting her into dock took a week, while the repairs she had to undergo when they did get her into the dock only occupied three hours. If that dock had been large enough, and the sill as deep as the inner part, the whole of the Mediterranean fleet could have been docked in two days. It had been said that we had 219 line-of-battle ships in 1815. But at that time line-of-battle ships did not necessarily require to be docked in order to be repaired, but it was now indispensable. An old line-of-battle ship could be hove down and repaired wherever it might be, but our

modern steam-ships were placed under totally different conditions. The only way of having those ships refitted, with convenience, economy, and despatch, was to have docks into which they could be taken while fully equipped for war.

MR. J. H. PHILIPPS said, the Committee which sat last year on the extension of Chatham dockyard had confined themselves to the subject referred to them, and were not deserving of censure for not going beyond their instructions.

MR. G. L. PHILLIPS hoped that the Government would give due attention to the capabilities of Pembroke, which was most favourably situated for works of this description.

MR. R. W. DUFF could not congratulate the right hon. Gentleman (Mr. Corry) on the time he had chosen for bringing forward a proposal to spend a million and a quarter on dock accommodation.

#### FORTIFICATIONS AT PORTSMOUTH.

##### OBSERVATIONS.

MR. BERNAL OSBORNE wished, before the Speaker left the chair, to draw the attention of the Secretary of State for War to the non-performance of his promise with regard to the evidence taken by the Defence Commission. Before the adjournment for the Whitsun holidays he reminded that right hon. Gentleman that a copy of this evidence had been more than a week in the Library of the House, and the right hon. Gentleman undertook that it should be in the hands of Members soon after the House rose. Now, up to that evening it had not been delivered. As the right hon. Gentleman had given notice that he intended to bring the question to which that evidence referred before the House on the 23rd instant, it was extremely desirable that the evidence should be placed in the hands of hon. Members without delay. The question was a nice one, and would require a great deal of consideration. Perhaps the right hon. Gentleman would also state whether he meant to proceed by Bill or otherwise on the 23rd instant.

SIR GEORGE LEWIS said, he certainly was under the impression that the evidence would have been delivered immediately. The copy brought to him appeared to be in a perfect state, and he had requested that copies might be placed at once in the Library for the inspection of Members, fully believing that in a day or

two the rest would be delivered. The House, however, was aware that the printing arrangements were not under his control, but that the matter lay between the Secretary of the Commission and the printer. He was not officially responsible for the delay, but he would inquire into its cause. He proposed to take the ordinary steps for obtaining leave to bring in a Bill to extend the powers of the existing Fortifications Act; and, as that would create a charge on the Consolidated Fund, it would be necessary that he should begin by moving a Resolution in Committee of the Whole House. He would therefore, on Monday the 23rd, move such a Resolution on which to found the Bill. The words of the Resolution would appear on the paper to-morrow morning.

*Motion agreed to.*

House in Committee.

#### SUPPLY—CIVIL SERVICE ESTIMATES.

(In the Committee.)

Mr. MASSEY in the Chair.

(1.) £4,200, Bermudas.

LORD NAAS inquired whether it was the intention to make any alteration in reference to the convict establishment at Bermuda?

SIR GEORGE LEWIS said, there was no intention to send any more convicts there, and he believed that so far as it was a convict station it would be abandoned.

MR. AUGUSTUS SMITH called attention to the large balances which were in hand in the case of most of these Votes; and asked whether, that being so, it was necessary to vote such large sums of money. On the 28th of February the balances upon fourteen Votes amounted to £102,000, while the amount asked for was £117,000. It certainly deserved consideration whether, if these balances were returned in hand on the 1st March, it was worth while to vote such large sums. With reference to this particular Vote, he thought, that as Bermuda was to be nothing more than a military garrison, £4,200 for the salary of a civil Governor, a Judge, and other officers, was needlessly large. He thought the revenue of the island should be amply sufficient to defray the civil expenses.

MR. PEEL said, that the explanation of these balances was, that in the first instance these colonial charges were met out of the Treasury chest, and the sum voted

*Sir George Lewis*

would be transferred in due course to that chest, the accounts connected with which were necessarily scattered all over the world, and could not, therefore, be very expeditiously adjusted. But what was voted for the year was no more than what was required for the year.

*Vote agreed to.*

(2.) £6,278, Clergy, North America.

MR. BAXTER observed, that there was £2,000 of the sum voted in 1861 still in the Exchequer, so that it seemed that there was an extraordinary system of keeping accounts. He wished to know whether it was clearly to be understood that the payments would terminate with the lives of the present recipients?

MR. PEEL said, that the accounts of 1861 were not completed on the 28th February last, and therefore all the claims on account of that year were not yet made. It was impossible to complete the accounts sooner.

MR. CHICHESTER FORTESCUE said, that the Vote was an expiring one, and would die with the last recipient. It had at one time been as much as £21,000. In fact, since the Vote had been framed, one of the recipients had died.

*Vote agreed to.*

(3.) £1,438, Indian Department, (Canada).

MR. CHICHESTER FORTESCUE said, he had last year given a sort of pledge that the supply of blankets should be discontinued. On inquiry, however, he found that these blankets were strictly in the nature of personal allowances to the Indians, and on the same footing as the pensions. There was a list of Indians above sixty years old, to whom these charitable allowances were made, but the Vote would disappear altogether with the decease of the present recipients.

*Vote agreed to.*

(4.) £9,000, British Columbia.

MR. BAXTER referred to the statement made on the Estimates, that one moiety of the cost of the Royal Engineers would be borne by the colony and another by the mother country, and asked whether the colony had ever, in fact, paid a farthing of the proposed contribution.

MR. CHICHESTER FORTESCUE said, the colony had paid a very considerable sum towards the expenses of the Royal Engineers. It had defrayed a larger proportion of its military expenditure than

most young colonies were asked to contribute, or even than most old ones.

*Vote agreed to.*

(5.) £55,000, Vancouver's Island.

MR. ARTHUR MILLS asked for further information beyond the words "an estimate of the sum to defray expenses consequent upon the resumption of Vancouver's Island from the Hudson's Bay Company by the Crown."

MR. CHICHESTER FORTESCUE said, it was a Vote which never could appear again in the Estimates, but it was a Vote without which the Crown could not resume possession of the Island. In the grant of 1849 to the Hudson's Bay Company it was provided that the Crown should have the power of resuming possession of the Island at any time after the expiration of the licence to trade, upon payment to the Company of the actual amount which they had expended in establishments, bringing emigrants there, &c. The Company demanded a much larger sum than £55,000. There had been a great deal of negotiation between the representatives of the Treasury and of the Colonial Office and the Company. A compromise had at length been arrived at, and legal proceedings of a very protracted and expensive character had been avoided.

MR. ADDERLEY said, that however satisfactory it might be to hear that the Crown could not buy Vancouver's Island of the Hudson's Bay Company twice over, and that another Vote would not be asked for the same purpose, he still wished to know what we were to have in return for these payments, and he should also be glad to know whether any similar arrangements had been made with respect to transfer of the rights of the Company on the mainland.

MR. CHICHESTER FORTESCUE said, he was very sorry that the Crown had been obliged to buy Vancouver's Island at any price, but it became necessary when the Government determined to form a colony at Vancouver's Island. The matter was part of the arrangement made in 1849, and every farthing of this sum had been expended by the Hudson's Bay Company—in fact, it was only the balance after giving credit for the proceeds of the sale of lands. With respect to the mainland, the claim of the Company was of a very minor character, and it had been compromised upon favourable terms.

MR. ADDERLEY inquired, whether the Company had any claim upon the mainland, and also whether the Government would furnish a Statement of Account as to this £55,000, showing what it had been paid for.

MR. CHILDERES was afraid that the Committee could take no other course than grant the money, although it would have been better if they had had some explanation in reference to the items. The Company by their charter were entitled to be paid, not simply the value of the things existing on the Island, but the actual money which they had expended.

MR. CHICHESTER FORTESCUE said, he could only refer the Committee again to the Company's charter. The amount of the Vote represented the value of establishments handed over to the Government and the amount expended in conveying settlers from this country.

MR. ARTHUR MILLS wished to know if the whole affair was now wound up; and he also expressed his opinion that it was objectionable that they should have to vote money for carrying out emigrants, of whom he thought there must have been very few.

MR. W. EWART said, he must press for a detailed account.

MR. CHICHESTER FORTESCUE said, there were a considerable number of emigrants. He would take care that a detailed account should be prepared.

MR. CHILDERES asked, whether any conclusion had been come to as to separating the Government of Vancouver's Island and that of British Columbia.

MR. CHICHESTER FORTESCUE could not give any positive information at present; but he could say that the subject was under consideration of the Colonial Secretary.

MR. PEASE asked, whether emigrants were encouraged by grants of land or minerals?

MR. CHICHESTER FORTESCUE said, the land laws of Vancouver's Island and British Columbia were of a most liberal character, and were on an equality with the land laws of the adjoining territory of the United States.

MR. ARTHUR MILLS asked, whether this would be a final settlement?

MR. CHICHESTER FORTESCUE said, that he confidently believed that this would be a final Vote. At the same time, there was a slight difference between the Government and the Company, and a claim

ranging between £5,000 and £10,000 was in abeyance. He did not think it would come to anything, but could not speak positively.

MR. ADDERLEY wanted to know whether, after the arrangement was concluded, the Hudson's Bay Company would still exist?

MR. CHICHESTER FORTESCUE replied, that the question they were now discussing in no way affected the Hudson's Bay Company's charter; but their power would cease under the agreement over all territory west of the Rocky Mountains except as a private company.

MR. E. P. BOUVERIE understood that the Hudson's Bay Company had a legal claim upon the Government, and under those circumstances it would be a most unusual course for the House to interfere with the payment.

*Vote agreed to.*

(6.) £25,028, Governors, &c., West Indies, and other Colonies.

MR. ARTHUR MILLS objected to the appearance in this Vote of sums paid for the salaries of Governors of colonies having representative institutions, and called attention to the appearance for the first time of an item of £300 for the salary of the Chief Justice of the Bahamas of which, if it were not explained, he should move the omission.

MR. CHILDER斯 complained of the reappearance of the charge of £3,500 for the salary of the Governor of Jamaica, which the House had been twice promised had been voted for the last time. In 1835, when a promise was given that this item should not appear on the Estimates again, it was stated that negotiations were pending with the Colonial Legislature which rendered it inconvenient that the amount should be struck out at that time. The Governors of colonies having representative institutions ought to be paid by those colonies.

MR. BAXTER reminded the Committee that the Australian colonies, with the exception of Western Australia and New Zealand, and the North American colonies, with the exception of Prince Edward's Island, paid their own Governors, and he thought it should be urged on the other colonies that they should do the same.

MR. CHICHESTER FORTESCUE said, he very much agreed in the general principle laid down by the hon. Gentleman, as to the duty of colonies having representa-

tive governments to pay their own Governors; but it must be remembered that the colonies whose Governors we were asked to pay were, with the exception of Jamaica and the Windward and Leeward Islands, colonies which were of a very poor and insignificant character, and which had until the present day suffered from serious embarrassments. With respect to the Vote for the Governor of Jamaica, he must repeat the explanation that it was of a temporary character, and would, he anticipated, in consequence of an arrangement which had been made, soon disappear from these Estimates. With respect to the other two, they were Governors-in-Chief, each having jurisdiction over some half-dozen dependencies. These dependencies having their own establishments, it would be very difficult to obtain from them, by their several contributions, the sum necessary to pay a man of ability to fill the post of Governor in Chief. With respect to the Chief Justice of the Bahamas, the duties which that judge had to perform for his £300 a year were strictly of an Imperial character, it being his duty to check those wrecking transactions which operated so injuriously on our trade, and the existence of which was a disgrace to this country.

MR. CAVE observed, that if the question was raised as to whether the salaries of those Governors should be made up by the House of Commons, there was this further question to be decided in respect to some of those colonies—namely, whether they wanted Governors at all? It was perfectly absurd to have the expensive paraphernalia of a Court in colonies not larger than an English parish. No doubt there were anomalies connected with the whole of this Vote; but as the Colonial Office had to deal with those colonies when they were in a state of transition, owing to the effects of Imperial policy from which they had not yet recovered, the House might look at the Vote with more favour than they would otherwise be inclined to show it. The Colonial Office had more power in those colonies than it had in larger ones; and although he admitted that, as a general rule, the appointment of Governors had of late been characterized by honesty and conscientiousness on the part of the Government; yet, if the question as to the continuance in office of the Governors were put to the colonies, while some might probably be re-elected for life, others would have no

*Mr. Chichester Fortescue*

more chance of maintaining their position than the Pope would if the French left Rome; and these small payments were of little account compared with the mischief which had been inflicted by misgovernment in some of these colonies.

MR. HENNESSY, in reference to the charge of £100 a year for the Chief Justice of Anguilla, remarked that the revenue of Anguilla amounted to £414; the territory was sixteen miles long and two broad; the number of the white population was under 100, yet a Court of Queen's Bench, a Court of Common Pleas, and, he believed, a Court of Chancery, were kept up in Anguilla. It was now proposed to pay the Chief Justice at the rate of £1 per head for the white population.

*Vote agreed to.*

(7.) £10,800, Stipendiary Justices (West India Colonies and Mauritius).

LORD WILLIAM GRAHAM asked for some explanation.

MR. AUGUSTUS SMITH remarked, that the number of convictions by the magistrates in Jamaica amounted to about the number of pounds that they received as salaries.

MR. CHICHESTER FORTESCUE said, the Vote had been gradually diminished, vacancies either not being filled up at all, or the charges on account of new appointments being transferred to the colony. The Vote was strictly therefore of an expiring character. When these magistrates were appointed, the colonies to which they were sent out were in a state of transition from slavery to freedom. In 1835-6 their salaries amounted to £69,000; they were now reduced to £10,800.

LORD WILLIAM GRAHAM inquired, whether, when the hon. Gentleman the Under Secretary spoke of the Vote as one of an expiring character, he meant that it would expire when all the magistrates expired?

MR. CHICHESTER FORTESCUE said, that was exactly what he did mean—that it would expire when all the magistrates died or resigned.

*Vote agreed to.*

(8.) Motion made, and Question proposed,

"That a sum, not exceeding £19,634, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1863, for the Civil Establishments on the Western Coast of Africa."

MR. CHILDERS called attention to the fact that for years past the revenue of Sierra Leone had been more than the expenditure by as much as £2,000 a year. Now, he thought under these circumstances the colony ought to bear a portion of the general expenses of the Coast.

MR. CHICHESTER FORTESCUE said, he would direct the attention of the Colonial Secretary to the subject.

MR. AUGUSTUS SMITH complained of the expenses of the Gold Coast. He moved that the Vote be reduced by £2,500, half of the amount for the maintenance of forts and establishments.

Motion made, and Question proposed,  
"That the Item of £2,500, for one moiety of Repairs of Barracks and Forts on the Gold Coast, be omitted from the proposed Vote."

MR. CHICHESTER FORTESCUE explained, that though they had great influence on this part of the coast of Africa, the Government had very little dominion or taxing power. It was extremely difficult to raise any revenue by customs duties, on account of the competition of the adjoining Dutch forts; and they were obliged to ask for a small annual Vote to carry on the civil government of the territory. He hoped the Amendment would not be pressed.

MR. TURNER thought it would be an unwise economy to cut off the small expenditure incurred in Western Africa. The trade to the Gold Coast was important and increasing, and attempts were being made to produce cotton.

MR. AUGUSTUS SMITH said, he would withdraw his Amendment.

*Motion, by leave, withdrawn.*

Original Question again proposed.

SIR FRANCIS BARING rose, pursuant to notice, to move the reduction of the Vote by the sum estimated for the expenses of Lagos—namely, £500 for the Governor, £1,000 for a pension to the ex-King Docomo, and £2,500 for contingencies. He said, that hon. Members would find, from the papers laid on the table, that in 1852 the late King Akitoye made a treaty with the British Government for the suppression of the slave trade. His nephew Kosoko took advantage of the unpopularity of this act; and, backed by the slave interest, drove the king from his throne, and took possession of Lagos. He then set England at defiance, and was deposed by the British Government. Akitoye was restored to his kingdom, and at his

death his son Docemo was set on his throne with the assent of the English Consul. The treaty with Akitoye was signed by Admiral Bruce, at that time in command of the squadron on the station, and as he (Sir Francis Baring) was then at the Admiralty, he had kept up his interest in the subject. This treaty had been suddenly set aside, and Lagos had been taken possession of as a British dependency. He took it for granted there had been some ground for breaking the treaty, and had looked into the papers to see whether there had been any complaint against Docemo that he had broken faith with England. He believed that by international law, where a treaty existed, due complaint must be made of any breach of that treaty before hostilities were resorted to. In the present case, however, the Government instructed Consul Foote to explain to Docemo that they were not actuated by any dissatisfaction with his conduct, "but that, on the contrary, they have every wish to deal with him in a liberal and friendly spirit." If no dissatisfaction existed with Docemo, on what ground, then, was his territory taken away from him? Here was a despatch from Consul Brand, dated "Lagos, April 9, 1860," which stated that—

"Lagos, from being a haunt of piratical slave-dealers in 1851, has, from its geographical position, and the great resources of the country adjoining, become the seat of a most important and increasing legal trade. The value of the exports, even during the past year, by no means a favourable one, is nearly £250,000 sterling."

Consul Brand, it was true, represented that the Government was not sufficiently strong, and that justice was not done, and he recommended either a protectorate or that England should annex the country. But where a trade had grown up so rapidly, it was no bad proof that things had gone on pretty well, and that complaint should have been made before such an extreme measure was taken. Consul Brand's despatch was written in 1860, and it was more than a year before the Government made up its mind to annex Lagos. Consul Brand was succeeded by Consul Foote, and it was surprising, that if the latter came to the same conclusion as Consul Brand, some despatch from him had not been given among the papers. Consul Foote, however, died, and his death was, in the opinion of Commodore Edmonstone, a very severe loss to that part of Africa, as the difficulties which had occurred

would probably have been removed had he been spared. But what were the grounds upon which the Government thought themselves justified in taking possession of the country? They were to be found in a despatch from the Foreign Secretary, dated June 22, 1861, and were that the Government—

"Are convinced that the permanent occupation of this important point is indispensable to the complete suppression of the slave trade in the country; while it will give great aid and support to the development of lawful commerce, and will check the aggressive spirit of the King of Dahomey."

But would the suppression of the slave trade justify the Government in breaking a treaty and seizing the property of their neighbours? If so, he did not know why they should stop there. There was an island, the possession of which everybody knew would go much further in putting down the slave trade. But would Her Majesty's Government be justified on that account in seizing on Cuba? If the United States before the late disturbances thought fit to occupy Cuba for the purpose of putting down the slave trade, would that be considered a justification? "Thou shalt not steal" was a very plain commandment, and was a particular exception to be made in favour of taking possession of Lagos with a view of putting down the slave trade? Now, taking the second reason—"It would be a great aid and support to the development of lawful commerce"—was that a ground for seizing on the country? Plainly put, the case was this—"You are my ally; I have no complaint whatever against you, but I will take possession of your country; it will be a great aid to the development of lawful commerce, and I shall therefore be perfectly justified." And then, as for checking the aggressive spirit of the King of Dahomey, what did that amount to but this—"It will greatly contribute to my overpowering the King of Dahomey if I have your territory, and therefore I am perfectly justified in taking possession of it." But there was a fourth reason—

"Her Majesty's Government would be most unwilling that the establishment of British sovereignty at Lagos should be attended with any injustice to Docemo, the present chief of the island; but they conceive that as his tenure of the island in point of fact depends entirely upon the continuance of the protection which has been afforded to him and his predecessor by the British naval authorities since the expulsion of Koso, no injustice will be inflicted upon him by changing this anomalous protectorate into an avowed

occupation, provided his material interests are secured."

That was a very dangerous doctrine to hold. In point of fact there were none of those African chiefs who were not more or less in treaty with this country, and to a certain extent under its protection. It was under the shadow of our wings, and by the power which we exercised upon the African coast, that they were defended from their enemies. Indeed, there were cases nearer home in which the doctrine of an "anomalous protectorate" would sound very oddly. He might be told that there had been a cession; but he maintained, that when all the circumstances of the transaction were taken into account, it could not be said that any voluntary assent was given by Docemo to the surrender of the territory. The facts of the case were these:—Her Majesty's Government having decided to take possession of Lagos, Captain Bedingfield, the senior naval officer on the station, brought his ship, the *Prometheus*, into the river. Docemo was invited to a conference on board that vessel, when he was informed of the intention of the Government to convert the anomalous protectorate into an avowed occupation, and requested to sign a treaty of cession. Not having his chiefs with him, Docemo refused to do so, and two or three days were then given him to make up his mind. Mr. M'Croskry, the acting consul at Lagos, admitted this fact; for in his despatch to the Government he said that the King had no arguments of weight to urge against the proposed cession of his kingdom to Her Majesty, but that as his chiefs were not present, he promised to lay the matter before them. A few days afterwards another meeting was held on shore, at the house of Mr. M'Croskry, who says that they saw at once that the party opposing the cession had succeeded in getting the King to refuse. The chiefs then attempted to intimidate by threats; but as Commander Bedingfield had taken measures to put down disturbance, none occurred. Docemo was then informed, that unless he had made up his mind before the 6th August, five days, formal possession would be taken of the island in the name of her Majesty. There were at first threats of opposing this by force; but the precautions taken, and especially the imposing presence of a vessel like the *Prometheus*, kept all quiet. Docemo then called another meeting at his house, at which he requested all the Euro-

peans and immigrants to be present to hear the proposals of the Government explained. At this time there was great excitement, but, owing to the admirable arrangements that had been made, no disturbance took place. What those "admirable arrangements" were, might be inferred from the circumstance that a body of English soldiers and marines, with some cannon, were landed and drawn up so as to be available in case of need. Under these circumstances the signature of the King was obtained to the treaty, some objections which he urged being met by the insertion of one or two new clauses into the instrument. In a letter dated August 8th, 1861, written after this circumstance, Docemo stated that he never intended to cede his kingdom to Her Majesty, and that he only signed the treaty "because if I do not, he (Captain Bedingfield) is ready to fire on the Island of Lagos, and to destroy it in the twinkling of an eye." One of the stipulations of the treaty was that Docemo should receive an annual pension equivalent to the net revenues of his kingdom. Those revenues were farmed for £2,000, a fact of which Mr. M'Croskry must have been perfectly well aware. It was, however, decided upon that the King should receive a pension of £1,000 a year only. He (Sir F. Baring) did not believe that Her Majesty's Government, when consenting to this arrangement, could have been aware of these facts. That they intended to take possession of the country was perfectly true, but he did not believe they would also willingly deprive the King of half his income in addition to depriving him of his sovereignty. The King also complained that his dignity had been insulted and his feelings wounded by the subsequent proceedings of the Consul. The people of Africa were not likely to be made our friends by such conduct as that which had been pursued towards King Docemo. It was bad policy, to say the least, to deprive our friends of their crowns, and to shower favours on our enemies. King Docemo had not been fairly compensated for the revenue he had lost, and it was neither more nor less than a scandal that the memorial of a person who had suffered wrong at our hands should not have received the courtesy of an answer. He entreated the Government to organize such a system at Lagos as might secure justice being exercised there, and to give the natives some means of expressing their

feelings and wishes. The right hon. baronet concluded by moving the reduction of the Vote by the sum estimated for the expenses of Lagos, £4,000.

*Motion made, and Question proposed—*

*"That the sum of £4,000, for the Civil Establishment of Lagos, be omitted from the proposed Vote."*

MR. GREGORY gave his cordial support to the course pursued by the Government at Lagos. The question lay in a nutshell, and the statement of the right hon. Baronet might be easily and satisfactorily answered. Lagos was the port of Abeokuto, a most flourishing portion of the African Coast, but it was a district continually threatened by the King of Dahomey, and was the resort of people engaged in carrying on the slave trade, and Docemo, if willing, was unable to restrain them. One might have supposed, from the description of his right hon. Friend, that Lagos was inhabited by a set of Quakers most peaceable and orderly in their conduct, instead of by a number of characters intimately connected with the King of Dahomey, who was engaged in organizing and carrying on the slave trade; and he agreed in the opinion of our naval commander there, Captain Bedingfield, that our occupation of Lagos would do more to suppress that trade than all the ships we could muster along the coast. With respect to the stipulations of our Government with King Docemo, he was to retain his power so long as he acted up to his engagements; but it was perfectly notorious that those engagements with regard to the discouragement of the slave trade, on the maintenance of which his support by the British nation depended, had been violated. Docemo was perfectly unable to restrain the lawless people who were congregated in his territory, and the condition of Lagos was proceeding from worse to worse. His right hon. Friend had talked of the protest of King Docemo against deprivation; but the document to which he referred was dated August, 1861, whereas the last document on the subject was dated March, 1862, in which Consul Freeman stated that Docemo was inclined to sign, but was prevented from doing so by the Whitecap chieftains; but they were afterwards quite satisfied, and the King then signed another article, and received additional compensation. Whether he considered the occupation of Lagos as an opening for British commerce, or as the repayment of a portion of the

debt we owed to Africa, he entirely approved what had been done, and he sincerely hoped Government would make no change whatever with regard to the cession of that place. He looked on the occupation of Lagos as one of the links in that great chain by which the slave trade was at length to be bound and destroyed. The separation of the United States was one step in that direction; the independence of the Confederate States was another step; the treaty with the United States was another step, and the occupation of Lagos was ancillary to the same end.

MR. LAYARD said, he would not follow his right hon. Friend (Sir F. Baring) in his relation of the facts of this case, as in the main he had correctly stated what had taken place. He agreed that in their dealings with the natives of Africa, as, indeed, with all the world, they should be guided by strict maxims of equity and justice; and he felt confident it would appear that they had dealt both justly and most kindly with Docemo. His right hon. Friend accused the Government of violating international law; but he had really made a great deal of a very small matter. He spoke as if the King of Lagos were the head of a great independent State, instead of a petty chief exercising doubtful authority over a few people. Some years ago Lagos was a perfect nuisance on the coast of Africa. It was the resort of all the slave-dealers on the coast, it was in alliance with the King of Dahomey in his slave-hunts and his butcheries, and the greatest outrages were perpetrated by its population. The English Government were at length compelled to interfere, and an expedition was fitted out against Lagos by the orders of his right hon. Friend, who was then First Lord of the Admiralty (Sir F. Baring). After very considerable resistance, the place was taken. It became by conquest the possession of the British Crown, if we had chosen to take it. This, however, we did not do; but we removed the then ruler, Kosoko, putting Akitoye, the predecessor of Docemo, in his place, and established a kind of protectorate. Such protectorates were always unfortunate in the result. We had all the responsibility, without any of the advantages of possession. Docemo, who shortly afterwards succeeded Akitoye, became a mere puppet in the hands of a party at Lagos. We were compelled to maintain a vessel of war there to protect our interests, and the Consul at last asked for

*Sir Francis Baring*

a body of troops to uphold the authority of King Docemo himself. At length Lagos became a resort of the partisans of the King of Dahomey, and a dépôt for the arms and powder furnished to him to enable him to carry on the slave trade and his horrible human sacrifices. It became, at length, absolutely necessary either that Lagos should be abandoned or that we should take possession of it altogether. If we had withdrawn our man-of-war and our Consul, leaving Docemo to act for himself, he would probably have been soon expelled, the slave trade would have flourished again in all its horrors, and the Government would have been compelled to fit out another expedition against Lagos. What did we do? We knew very well that what Docemo chiefly wanted was to have his revenue secured to him: We decided to take possession, and to settle upon Docemo a fixed annual sum instead of his previous precarious revenue. His right hon. Friend was in error when he talked of the land belonging to Docemo; the real possessors of it were certain Whitecap chiefs, as they were called. When the deed of cession was proposed to Docemo, a fear arose among the Whitecap chiefs lest they were to be deprived of their rights; but their apprehensions were soon set at rest, and Docemo himself was fully satisfied when he found that a yearly revenue was to be guaranteed to him on the faith of a treaty. The petitions from Docemo, the chiefs, and various inhabitants of Lagos which had been referred to were very much alike, all being written in the same peculiar orthography and style; and there was reason to believe that they had been drawn up by some persons whose object it was to restore the previous state of things in Lagos. No doubt there were those who were dissatisfied, because they could no longer carry on the slave trade with impunity, and saw that we were determined to put down their atrocious practices. If we had abandoned the place altogether, it would most probably have fallen into the hands of the King of Dahomey. Ought we to have established a more direct protectorate over Lagos? He said that to establish a direct protectorate would be an infinitely worse course than taking possession of the island: he believed that in adopting this latter course the Government had been guilty of no injustice towards Docemo. It had been alleged that no notice had been taken

of his petitions, which complained that we had defrauded him of his revenue: None of those petitions touched the question of revenue—they all referred to the cession. The annual revenue that had been allotted to him had been allotted upon full investigation, and it was a fair compromise which he had himself accepted. The treaty did not specify the sum of £1,000, but a sum equal to the average revenue that he had derived from Lagos before the cession. He was not aware of a single remonstrance by Docemo in regard to the sum fixed upon; if such a remonstrance had been received by the Government, it would have been referred for consideration to their representative on the spot. The only desire of the Government had been to treat Docemo justly and fairly, and he would be much happier and his position much better under the arrangement that had been come to, than if we had left him to his fate. There was not a single civil or naval officer of any authority in African matters who did not entirely approve the policy of the Government. The possession of Lagos gave us the command of that vast system of lagoons and internal waters which skirted the coast of Africa, and enabled the slaver to defy our efforts by sea to check his operation. By means of our control over that island, and of the treaty recently concluded with the United States, we had secured the greatest facilities for the effectual suppression of that abominable traffic in the Bight of Benin. He thought that the British Government could not be accused of having acted unjustly to King Docemo, whilst they had taken a most important step towards the ultimate destruction of the slave trade on the eastern coast of Africa.

SIR FRANCIS BARING said, the petitions from King Docemo were drawn up by that Prince's own secretary. The Under Secretary of State said he had not heard of any complaint from King Docemo on account of his compensation, but there was a great deal that was quite true which did not appear to reach the hon. Gentleman. The complaint was made to Governor Freeman, and no attention was paid to it.

MR. FREELAND said, that the sneers of the Under Secretary of State for Foreign Affairs at the arguments of the right hon. Baronet (Sir Francis Baring) were, he thought, much out of place. The Under Secretary had sneered at the idea of ap-

plying the principles of international law to the case of a petty African Prince. But surely the smaller and the weaker the State concerned, the more important it was that a Government like that of England should respect, as far as possible, its independence, and endeavour conscientiously to apply the same principles to it as they would apply in their intercourse with a more powerful community. Though most anxious to see the slave trade suppressed, he should feel great difficulty in supporting the present Vote, unless the Under Secretary of State gave some further explanation of the remarks which he had made.

Question put, and *negatived*.

Original Question put, and *agreed to*.

(9.) £5,923, St. Helena;

(10.) £700, Orange River Territory,  
*agreed to*.

(11.) 10,000, British Kaffraria.

LORD ROBERT MONTAGU asked, why this Vote was necessary, seeing that there was £41,000 of credits in the Exchequer on the 1st of April last.

MR. PEEL said, the £41,000 had been spent, and further claims had been made on the Treasury.

MR. AUGUSTUS SMITH asked for a further explanation of the Vote.

MR. CHICHESTER FORTESCUE said, he hoped that this was the last, or at any rate the last instalment but one, of a series of Votes, to meet a grant of £40,000 voted in aid of British Kaffraria. It had been intended not to ask for this sum; but when the proposal was notified to the Governor of the colony, so strong a protest was made, accompanied by detailed statements, that the Government thought it right to ask for this sum.

MR. E. P. BOUVERIE was glad to hear that there was a prospect of the speedy termination of this charge. At any rate, the Vote was a less evil than the possible expenses of another Kaffir war.

COLONEL SYKES said, a hope had been held out last year that the Vote would never be asked for again.

*Vote agreed to.*

(12.) £79,193, British Kaffraria.

LORD ROBERT MONTAGU asked for an explanation of this Vote, a large portion of which seemed to have been advanced without the sanction of the colonial authorities. It was stated in the

*Mr. Freeland*

Estimates that out of the whole amount now asked for, the sum of £57,420 was required "to meet the arrears due to the Treasury chest for extraordinary expenses incurred on the responsibility of the late Governor of the Cape of Good Hope to meet the emergency of a threatened Kaffir war in 1857 and in subsequent years;" and it was added that this estimate had not been previously presented, as the accounts were not sufficiently cleared up to allow of the actual amount being ascertained. He thought this a very unsatisfactory statement.

MR. CHILDEERS said, there had been in one instance a delay of sixteen years in presenting the estimate. He wished particularly to call attention to the item of £21,772, representing sums advanced on account of the colony from 1846 to 1853. The third Report of the Select Committee on Public Accounts, which was referred to for an explanation of these Votes, did not, in point of fact, contain any such explanation. This was an audited account; but although it had appeared year after year as having been audited, and was supposed to have received a thorough examination by a Board independent of the Government, the items had been altered in the account this year, and did not correspond with those printed in former years. It was true that the difference was not large, not exceeding £150 in any one case; but the fact that any such difference existed showed the necessity of further inquiry into the mode of auditing these accounts.

MR. PEEL said, that with regard to the several points to which the hon. Gentleman had called his attention, he had gone into them with the assistance of the Audit Board; and though it would be very difficult for him to explain intelligibly to the Committee these matters of detail, yet he could assure them that the explanations he had received were perfectly satisfactory. The first part of the Vote referred to a sum issued for services at the Cape as long as fifteen years ago. At that time endeavours were made to obtain repayment from the colonial funds; but difficulties were made, and the subject seemed to have been lost sight of when the constitution was granted to the colony. The Committee of last Session, however, directed the attention of the Government to £21,000, portion of the amount, and suggested a settlement. Communication was in consequence had with the Colonial

Office; but the answer was, that it was perfectly hopeless at this distance of time to recover the advances, and under these circumstances the Government thought that the only course was to submit a Vote to the Committee of Supply. As to the other sums, they were withdrawn from the Treasury chest upon the authority of the Governor of the Cape, in excess of the sums voted by Parliament, at a time when he was apprehensive of a Kaffir war, and thought it his duty to take precautionary measures. There could be no objection to any inquiry which the hon. Gentleman might wish into the manner in which the accounts of the Treasury chest were kept.

MR. CHILDERS said, there appeared up to 1858-9 advances on account of British Kaffraria £23,000, but in this account the same advances were stated to be £57,000. How was the difference to be reconciled?

THE CHANCELLOR OF THE EXCHEQUER said, that although the immediate point was susceptible of the explanation which had been given—namely, that the sums issued in the colonies without direct or adequate authority remained as a general charge against the chest until it was determined to which heads those issues properly belonged, yet it did not remove at all the substance of the case of his hon. Friend. The substantial question had first to be settled; and when it was determined to what head they belonged, they were placed under the year in which the issues took place under that head. He was not saying anything in censure of the conduct of the Governor of the Cape, or of any colonial Governor; but, apart from the motives which actuated them, a most material question remained to be settled—whether the Governor was or was not justified in issuing greater sums than what Parliament had voted. In such a vote as this the House of Commons was ousted of its control over the expenditure of the public money; and, moreover, the Executive Government at home was just as much ousted of its control as the House of Commons. These occurrences were liable to take place in different parts of the world, and, while crediting the local authorities with the best motives, it could not be expected that they would feel as jealous of Parliamentary privilege and control as the House of Commons. The subject was not new to the Government, and they had been considering in what mode they could prevent the recurrence of these ad-

vances, which involved the total failure of Parliamentary authority. He was not prepared to state in what precise form stringent instructions to those who had the control of the Treasury chest would be given, but he hoped and expected such instructions would be given as to render their recurrence impossible; and when those instructions were given, they would be laid on the table of the House.

MR. BAXTER said, it was important that no Governor of a colony should be permitted to go on drawing sums of money, looking to be repaid in subsequent years by Votes of the House of Commons; and he was exceedingly glad to hear that the Government were about to adopt stringent measures with a view to prevent so unsatisfactory a state of things occurring in future. He hoped this was the last Estimate of the kind that would be presented to Parliament.

*Vote agreed to;* as were also the following:—

- (13.) £960, Heligoland.
- (14.) £3,986, Falkland Islands.
- (15.) £4,374, Labuan.
- (16.) £300, Pitcairn's Islanders.

- (17.) £10,834, Emigration Board.

MR. ADDERLEY complained that this Vote, although it had been diminished, had not been reduced to so great an extent as the House had a right to expect. If the Emigration Board was simply an agency for procuring emigrants for certain Australian colonies, in whose despatch we had no interest, why should the charge of that department be thrown upon the Imperial Treasury? Other colonies maintained emigration agents of their own in England, and he did not see why these should not also. Moreover, if the Board was to be maintained, why should it be separated from the Colonial Office, to which it ought properly to belong?

MR. AUGUSTUS SMITH said, that the Board had during one year only chartered thirty-three vessels, while the number of private vessels chartered was 354. It was true that to a certain extent those vessels came under the superintendence of the agents of the Emigration Board, but that duty could be equally well performed by the officers of Customs.

MR. CHICHESTER FORTESCUE thought it could not be said that the Government of this country had no interest in securing due care and protection for such of our poorer fellow countrymen as wished

to emigrate to the colonies, and he had never before heard dissatisfaction expressed against the Emigration Board—on the contrary, he had always heard their action referred to with satisfaction. The number of emigrants had undoubtedly diminished, but he thought it was still the duty of the Government to protect the poorer classes of emigrants who left their native country for the antipodes. The colonies, it was said, ought to take that duty upon themselves. Some of the colonies had undertaken the selection of emigrants by means of agents; but the transport of the emigrants, however selected, to the Australian colonies, was still in the hands of the Emigration Board. They chartered the vessels, and were responsible for the arrangements on board. But that was not the only duty of the Emigration Board. They exercised constant control over the great system of coolie emigration from India, China, and Africa to the West Indian colonies and to the Mauritius. They advised the Secretary of State upon all the complicated questions which arose in carrying out that system. They also administered the Passengers Act. They superintended the whole of the movements of the poorer classes of this country to the colonies; and they had many other duties to discharge in connection with the colonies, which must be performed by some Board or other. The right hon. Gentleman (Mr. Adderley) had asked why the Emigration Board should not be amalgamated with the Colonial Department. If that amalgamation took place, the number of clerks in the Colonial Department must be increased, and the change would not occasion much diminution of the expenditure. But he did not think it would be expedient to interfere with the constitution of the Emigration Board, which had discharged its duties as satisfactorily as any other department in the State.

MR. AUGUSTUS SMITH would wish to hear some explanation from the noble Lord the Secretary to the Admiralty with reference to the recommendation of the Committee.

LOD CLARENCE PAGET said, it was quite true the Committee which had considered the subject of the transport of troops and the transport of emigrants, had expressed an opinion that it would be advisable to have both those departments of transports brought into the one office; but the Colonial Office thought that there were great objections to transferring the man-

agement of emigration transport to the Transport Board, and, consequently, the recommendation of the Committee had not been carried into effect.

SIR HARRY VERNEY contended, that if the transport of emigrants was conducted under the supervision of the State, the most stringent measures should be taken to secure seaworthy ships for the emigrants.

*Vote agreed to.*

(18.) £242,971, Treasury Chest.

MR. FINLAY called attention to the item of £25,000 for freight of specie in aid of Treasury chests abroad, and to that of £156,147 10s. 7d. for discount of Bills drawn at Hongkong upon Her Majesty's Treasury or on the Indian Treasury. He thought that both were too large.

MR. PEEL said, that the first item was a charge which was governed by fixed regulations, and provided for the freight of specie to the several Treasury chests abroad. He did not think it was open to the objection made to it by the hon. Member. As to the other large items, the rate of exchange in the East involved a great loss. The net loss provided for in the Estimate arising from transactions for the supply of the Treasury chest in China, in the year 1860-1, was £217,971. It arose entirely from the difference between the value of the dollar as purchased either here or in China, and the value at which it was brought to account in the books of the Treasury chest. The only real loss, however, was in respect of the payments of the troops, because in paying them the dollar was taken at 4s. 2d.—the assumed Government par of Exchange—while the sum paid for it in China was from 4s. 7d. to 4s. 9d. This might be considered as part of the war expenses with China.

MR. DODSON said, the loss ought to have been inserted in its proper place—the Military and Naval Estimates.

MR. BAXTER also thought this Vote ought to have been brought under the consideration of the Committee when the Army Estimates were before them.

THE CHANCELLOR OF THE EXCHEQUER said, there was nothing in reference to the Vote which came within the Army Estimates properly speaking; and when those Estimates were laid on the table, and when he made his financial statement, this matter escaped his attention.

MR. BAXTER hoped that in future more attention would be given to a Vote

of this sort, which was in reality one of great importance.

MR. CAIRD hoped the Chancellor of the Exchequer would take care that the losses on the remittances to China would next year appear in the Military Estimates, for it seemed we were now likely to have another China war.

Vote agreed to; as were also the following:—

- (19.) £1,500, Niger Expedition.
  - (20.) £55,000, Liberated Africans and Captured Negroes.
  - (21.) £10,750, Mixed Commissions, Traffic in Slaves.
- (22.) £167,783, Consular Establishments Abroad.

MR. CAVE said, there was an increase in the charge for consular establishments in the island of Réunion above the allowance for last year. This increase they might attribute to the French. The House knew that the French were, after the emancipation of their slaves, very short of labourers in Réunion, and they smuggled large numbers of British subjects from Madras to fill the gap; but their treatment of these people was not good enough to secure a continuance of this immigration. They then began to import negroes, with which, if it was a free immigration, we had nothing to do, and, if not, it was contrary to treaty. We could not make up our minds as to which it was; but we bribed the French to abandon it prospectively by giving them the run of the labour market of Calcutta, which was far enough from Madras to prevent any evil reports having been received. He felt it his duty two years ago to protest against this treaty, feeling very strongly that we should lose all control over those people so soon as they had passed from beneath our flag. The noble Lord at the head of Foreign Affairs assured him that every care would be taken that the obligations entered into by the French were strictly carried out. The French lost no time in securing the benefit of the treaty, for they sent twenty-eight ship-loads of emigrants from Calcutta to Réunion last season, or more than went to the whole British West Indies. He had heard rumeurs that there had been abuses even in the embarkation and transit. He had heard also that Her Majesty's Government confessed that no real control could be exercised by the Consul. If not, then it was monstrous to put more trust in the

Frenchmen than in our own colonists, and to subject the latter to a system of checks and supervisions, of which he did not complain, but from which the foreigner was free. He did not object to this additional allowance, which was probably necessary in so expensive a place as Réunion, if it was of any use incurring the charge at all. Under such circumstances, he had a right to ask whether any reports had been received from the Consul at Réunion. If not, or if they were unfavourable, then the best course would be to give notice to terminate the treaty, to recall the Consul; and as we had lost this opportunity, as well as that of the commercial treaty, of obtaining from France the same concession with regard to the right of search which we had happily obtained from America, we had better leave France to share with Spain the disgrace of perpetuating the slave trade; but let us not help her to supplement her importation of kidnapped Africans with British subjects from India. He would therefore put the Question of which he had given notice, Whether any report had been received from the Consul at Réunion respecting the condition of the Indian labourers carried by the French to that island from Madras and Calcutta.

MR. LAYARD said, that the fact of their having been a great mortality among the Coolies sent to Réunion by the French had been reported to the Government by Mr. Hill, our consular agent in that island, and representations had accordingly been made to the French Government on the subject. There was every reason to believe that these representations would produce an improvement both as regards the class of vessels employed and the treatment of the emigrants. An English Consul had been appointed at Réunion for the purpose of seeing that the contracts with the Coolies were faithfully carried out.

MR. W. E. FORSTER said, the emigration of the Coolies from India was obtained in such a way that they hardly knew whether it was voluntary or not. The mortality among them even on the voyage to Réunion was calculated to excite suspicion. The Government had been compelled to place the English Coolie traffic under strict regulations, and it was unfair the French should obtain the labourers without observing rules of the same kind. The Government of India should take great care as to the arrangements under which the Coolies left the country, and that the health and comfort of these per-

sons during the voyage were duly attended to. It was useless to make complaints after the immigrants arrived in the colony.

MR. THOMSON HANKEY said, he had frequently heard it complained that the agreements made with the Coolies were never carried out. These persons were British subjects, and ought to have the same protection as the labourers imported into the English colonies. To say that the Coolies on their arrival in the island might appeal to the British Consul was perfectly useless.

MR. CAVE said, the Under Secretary for Foreign Affairs had only answered half his Question, and that unsatisfactorily. We might, indeed, regulate the embarkation in India, though apparently we had not even done this, but the Consul was appointed, as he had understood, when the treaty was ratified, to see that the arrangements were properly carried out in Réunion. This could only be done by sending some one as inspector round the estates to ascertain whether the Coolies were paid the stipulated wages. Rumours were current that the contracts were not carried out, and that these unfortunate people were entirely without protection or redress.

COLONEL SYKES said, he observed in the Estimate that in addition to a Consul, Vice Consul, and second Vice Consul at Alexandria, two new offices had been created of legal Vice Consul at £600 a year, and a law clerk at £300; and asked for an explanation.

SIR FRANCIS BARING pointed out that the salary of Consul at Lagos at £500 was continued, although Lagos was now a British dependency. There was also a new post created of Vice Consul at Abbeokuta, with £400 a year.

MR. DODSON wished to know why the allowance to the Consul at Cologne was double what it was last year. It had been stated he performed the duties of postmaster in receiving the mail-bags. Had the correspondence so much increased? He observed that the Consuls kept at Chicago and Buffalo were still kept up, although the Select Committee stated that the necessity for these officers was very doubtful. At all events, if necessary, they were kept up for Canadian purposes.

MR. LAYARD said, that some time ago a legal Consul was appointed at Constantinople to settle disputes between Her Majesty's subjects, and he was found to useful that a similar appointment had

been made at Alexandria. Consuls could only be appointed by the Crown, and the Canadian Government had not therefore the power of appointing the Consuls at Chicago and Buffalo.

COLONEL SYKES supposed we should now see legal Consuls appointed wherever any considerable number of Englishmen were found.

MR. LAYARD said, his hon. Friend had omitted to notice the distinction between Turkey and other countries.

MR. FREELAND believed that a memorial had been received from British residents in Constantinople with reference to the introduction of trial by jury in civil cases, and also a report from the Judge of the Consular Courts, containing his views upon the question. Would there be any objection to lay copies of that memorial and report upon the table of the House?

MR. LAYARD said, that the Government had not yet decided what reply they should give to the memorialists. The matter had been referred to Her Majesty's Ambassador at Constantinople for his opinion; and when it was received, there would be no objection to lay the papers on the table.

MR. W. E. FORSTER wished the Committee to be distinctly told whether the regulations for the shipment of Coolies in French ships were less stringent than those which applied to emigration in British ships. There ought to be the same regard for the comfort and health of the Coolies whether they were shipped in French or English vessels.

MR. AUGUSTUS SMITH said, it had transpired in the course of the discussion that evening, that the Emigration Board in London were responsible for looking after the emigration of Coolies from India. It was their duty, therefore, it would seem, to lay down rules for the Coolie emigration in French vessels.

Lord ROBERT MONTAGU said, the Government could not have a Consul at a place within the Queen's dominions; and as Lagos had been, without the sanction of the House of Commons, annexed to the British Crown, perhaps the Under Secretary for Foreign Affairs would not object to omit the salary of the Consul at Lagos.

MR. LAYARD said, he was not quite able to give an answer to the noble Lord, but he would make inquiries and let him know the result before the report was brought up.

*Vote agreed to.*

(23.) £86,748, Establishments in China, Japan, and Siam.

**LORD ROBERT MONTAGU** said, this sum was £22,000 greater than last year, and there were six new charges for Consulates in China, which amounted to upwards of £14,000; so that the upshot of our Chinese war was, that after having expended several millions we were now to be saddled with a payment of nearly £20,000 for Consulates. What were the results of all that we had done? Our imports from China in 1857 were to the value of £11,500,000; in 1858 they were only £7,000,000; in 1859, £9,000,000; and in 1860, £9,380,000. Our exports to China were in 1857 about £1,860,000; the same in 1858; £2,500,000 in 1859; and £3,000,000 in 1860. Therefore we paid the Chinese a great deal more than we received from them, and the balance of trade was against us. He wanted to know, then, what advantage did we derive from all that we had expended upon wars with China?

**MR. LAYARD** said, that the new ports in which Consulates had been established promised great results, and would be, he was convinced, of the greatest possible advantage in the way of trade.

*Vote agreed to.*

(24.) £35,000, Ministers at Foreign Courts.

**MR. E. P. BOUVERIE** asked for an explanation of charges for two countries that had disappeared from the map of Europe, the Two Sicilies and Sardinia.

**MR. CHILLERS** wished to know how it was that the disbursements at Paris under the head of Miscellaneous Expenditure should have exactly amounted to £1,000 a year. Had they contracted for Miscellaneous Expenditure at that sum?

**MR. PEACOCKE** asked for explanation about the miscellaneous charges for the Turkish Embassy.

**MR. AYRTON** said, the attention of the Committee ought to be directed to the enormous expense of the establishment at Constantinople. A palace had been built, at an expense of £85,000; then a Vote for a chapel, which was at first refused, was taken, and then another Vote; and then upwards of £50,000 was spent upon consular buildings. Having expended nearly £140,000 on public buildings at Constantinople, one would have expected that the annual charge would be reduced; but it appeared to have increased in pro-

portion to what they had already laid out; in short, there appeared to be a total expenditure of £33,000 a year on the establishment; a few years ago it was £15,000. Then there was a house at Therapia, which had been presented by the Sultan, and on that account had to be maintained; and in consequence there was a very considerable item for boat-hire between Constantinople and Therapia.

**MR. FREELAND** had, on a former occasion, called attention to the growing amount of the sums required for the repairs of the Ambassadors' residences at Constantinople. They were now asked to Vote a sum of £11,728 for extraordinary disbursements connected with the Embassy at Constantinople. This was a sum enormously in excess of the sum demanded for similar purposes in connection with any other Embassy. He thought that the whole expense of the Establishment at Constantinople ought to be thoroughly looked into.

**MR. LAYARD** said, the sum of nearly £2,000 for telegraphic messages was a large one, but the couriers who were formerly employed entailed a much heavier expense. As for the sum of £1,300 for boat-hire—if our Ambassador lived in Constantinople in summer, the expense of his residence would be much larger. But all the Ambassadors left the city in that season, and therefore the two residences were necessary. The sum for the Embassy was large, but he trusted that in time it might be reduced. As regarded the Paris expenditure, it had been thoroughly investigated at the Foreign Office, and not a shilling had been laid out which was not well accounted for. As to the question of his right hon. Friend (Mr. Bouvierie), the statement of expenditure was for the year 1860-1, when the Two Sicilies and the Kingdom of Sardinia were still in existence.

**MR. KINNAIRD** thought the expenditure ought to be compared with the trade between this country and Turkey, for a large trade could not be carried on without a commensurate expenditure on the diplomatic service.

**MR. WHITE** found that this country paid five times as much for the conduct of its trade with Turkey as for the conduct of its entire trade with the United States. He was of opinion that the consular establishments in Turkey required curtailment.

**VISCOUNT PALMERSTON** said, that

the hon. Member appeared to forget that in the United States the people spoke English, and the English law prevailed; whereas in Turkey the people spoke Turkish, and the Turkish law prevailed. Consequently, it was necessary for the English Government to maintain a number of interpreters in Turkey. By agreements between the English and Turkish Governments a peculiar jurisdiction was also established in Turkey for British subjects. These things naturally caused larger expenses in Turkey.

MR. FREELAND expressed a hope that the whole matter would be carefully considered.

*Vote agreed to.*

(25.) £50,000 for Special Missions, &c.

LORD ROBERT MONTAGU noticed the item of £1,500 for "inquiry into the Finances of Turkey," and inquired whether this mission were undertaken for the benefit of the taxpayers of this country, or for the good of Turkey? The taxpayers should not be called upon to pay this sum unless they received some adequate return for it. The result was certainly satisfactory, for we had discovered that the Government of a great Empire could be carried on at an expense of only eleven millions a year, while this country had to pay seventy millions. Yet, on the other hand, this sum was virtually paid for a *quasi* guarantee of the Turkish loan. After the Crimean War the Turks were unable to raise money in this country without a direct guarantee from both France and England; while the loan of this year, on the contrary, was instantly subscribed, because it became known that our Government had investigated previously the financial resources of Turkey. This inquiry was therefore, in fact, a guarantee to the capitalists of this country. It would be well, therefore, for the Committee to take into consideration the nature and effect of these loans. He did not allude to the direct effect of such loans, in withdrawing a vast amount of money from the reproductive capital of the nation—from the capital which stimulates energy and creates wealth—and in applying it to unproductive works, to that which destroyed energy, dissipated wealth, and nourished hatred and distrust. He did not allude to this effect, but to another result far more momentous. These loans he believed to be the cause of the feverish anxiety felt at home concerning

the affairs of nations abroad; the origin of that meddling and interference, and that state of incipient war which always existed. Take the case of Mexico for example. Many years ago this country lent money to that republic; English bondholders held their bonds, and received a high interest because of the risk they incurred. Yet the moment that the danger became imminent, the bondholders, not satisfied with the ample returns they had already received, began to cry out; and the Government sent an expedition at a vast expense, and went to war in order to recover the money. Yet Mexican Stock had never attracted any attention in the market until the bondholders had complained, and we had begun to interfere. Then again, this year we lent £426,000 to Morocco, to enable them to pay off the indemnity to Spain. The Customs revenues of that country were mortgaged to us in return. We therefore were the mortgagees in possession of the revenues of Morocco. Now here was a *casus belli*; far more clear than that in Mexico, of which we had already taken advantage. Here war and expenditure loomed in the distance. If France attacked Morocco on the side of Algiers, or if Spain invaded her again on the side of Tetuan, we should have to join in the fight, in order to save our bondholders. Then, again, we lent six or eight years ago the sum of £1,600,000 to Egypt; in return for which the Viceroy secured to us an annuity of £176,000 on the revenues of the Delta. We were therefore the mortgagees of the Delta. A specific thing was mortgaged to us; and if there should ever be a breach of agreement (either because of wars with other Powers, or from other causes), we of course should seize upon that security. Now, we knew how jealous France has been of our influence in Egypt; so that the security for our bondholders would here oblige us to enter upon a long and disastrous war with France. There were many other loans, with which he would not trouble the Committee. This system of loans had greatly increased of late years. During the last ten years the loans of France alone had been increased by the sum of 168 millions of pounds; and the debts of the whole world had been augmented, during the same period, by a sum of 500 millions of pounds. The loans of the whole world now amounted to 2,074½ millions of pounds. It would be seen, therefore, that not only was the wealth of the nation directly crippled by

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these means; but also we had put out many millions in such a way as to bring us into contact with every Power of the world. If a debtor was in danger of impoverishment, we must interfere. If we heard of diplomatic differences, we must diplomatize. If armaments were increased, we must arm too. We thus always embroiled ourselves with other's embroilments. When war threatened, our Exchange trembled, and our capitalists forced the Government into war. He believed that this improper employment of capital was the real cause of all our meddling, and interference, and "bloated armaments," and "profligate expenditure."

MR. FREELAND said, that they were voting large sums for an outlay arising out of their connection with Turkey. In this Vote alone no less a sum than £12,090 in the whole was asked for. He should like to know whether the reforms promised by the Turkish Government, especially those in which British subjects were interested, were being carried into effect? He particularly wished to know, whether the route from Trebizond, by way of Erzeroum to Tabrez, over which great quantities of British merchandise passed to Persia, had been improved?

MR. LAYARD said, in reference to the Morocco loan, that all we had to do was to allow our agents there to receive a portion of the Custom-house dues, and to hand them over to the creditors of Morocco. He also denied that we had been at war with Mexico. The road to Erzeroum, to which allusion had been made, had not, he was afraid, been carried out, as ought to have been the case; but the Turkish Government would, he trusted, see the expediency of taking the matter vigorously in hand.

LORD ROBERT MONTAGU said, he was astonished at the denial made by the Under Secretary for Foreign Affairs, that we had been at war with Mexico. He (Lord Robert Montagu) must therefore call a witness into court to prove that point. The witness should be no less a person than the noble Viscount himself. The noble Viscount, in answering the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), the other day, accounted for the great expenditure of this year and last year and the year before. In doing so he particularly mentioned the war with China and the war with Mexico as unavoidable

causes of expenditure. He made particular mention of the war with Mexico as an argument and excuse. If, therefore, the Under Secretary be right, the noble Viscount was wrong. If the noble Viscount was right, then he must correct his Under Secretary. He (Lord Robert Montagu) appealed to the noble Viscount. Then, again, the Under Secretary took exception to the word "mortgaged." If he lent money to any landholder, which was secured on the income from the creditor's lands, then the land was said to be mortgaged to the debtors. It surely, then, was a very fair figure of speech, and not by any means far-fetched, to say that the Delta of Egypt and the Empire of Morocco were mortgaged to us. We had lent £426,000 to Morocco, which was raised in 5 per cent bonds. The amount of Customs revenues collected in that country were £322,900; out of which the half (£160,000) were yearly secured to us. And yet the amount of interest and sinking fund annually due to us was only £38,000. This therefore, was excellent security. Then, again, with regard to the Egyptian loan the same may be said. He alluded to the loan of £1,600,000; in return for which £176,000 were secured to us by the Viceroy, to be paid annually out of the revenues of the Delta. The Delta was, in fact, mortgaged to our bondholders. He repeated that this system of loans embroiled us in the difficulties of others; and was a cause of our vast expenditure.

VISCOUNT PALMERSTON said, his hon. Friend (Mr. Layard) had not stated that the Government had not taken any measures against Mexico to obtain satisfaction of our just claims; what he stated was that the claims we had made upon that Government did not apply to debts due to bondholders. The claims against Mexico had reference, in the first place, to the non-payment of certain sums which, by convention, the Government of Mexico had agreed to pay; and in the next to the restoration of a sum of 600,000 dollars which was forcibly taken from the House of our Minister. This money was under seal, and the seal was broken as he was on the point of leaving the country. Such acts as these were national injuries—a breach of faith, and an outrage for which they were entitled to demand satisfaction. He might add that it had been the invariable rule of the English Government not to undertake to require payment for British subjects who, of their own authority

and without any sanction by the Government, advanced money to the Governments of foreign States. These parties did so at their own risk and peril, and all the Government ever did was to give their good offices to induce the Government to whom the money had been lent to pay; but non-payment had never been made the ground of war. If it had been the practice of the Government of England to go to war in order to obtain payment to bond-holders, we should have been at war with Spain many years ago—we should have been at war with almost all the Spanish States of America, and we should have been at war with many other countries into the bargain. That, however, was not our practice, and therefore any alarm which the noble Lord might feel that we should be led into war in consequence of loans advanced to foreign Governments was entirely unfounded.

LORD ROBERT MONTAGU would ask the noble Viscount whether it were not the case that the Conventions to which the noble Viscount alluded, were not entered into a very short time ago, in order to regulate the payment of the interest on a former loan, and merely grew out of that loan? He would also ask whether the 600,000 dollars were not stolen by Miramon's Government—from whom no satisfaction was required; and whether it was not the fact, that when his opponent, the popular President Juarez, came into power, then satisfaction was claimed by the noble Viscount? Juarez showed his inability to pay the sum at once, but secured the sum on public buildings; among which, he delivered over even the National Palace, as a pledge. This was stated by Sir C. Wyke, our Minister at Mexico, in the despatches laid upon the table of the House. The noble Viscount had therefore proved that the war arose out of the loan, and out of that alone. He was glad, however, to hear the noble Viscount disclaim for the future all intention to levy war in order to secure the capital of money-lenders. This statement would tend greatly to discourage the system of loans.

MR. W. E. FORSTER, said, he was glad to have the distinct declaration from the noble Viscount that the money lent to the Turkish Government was lent purely at the risk and peril of the capitalists who advanced it. It was most questionable whether the Government should give any sort of sanction or authority to any

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trade transactions between British subjects and foreign Governments; any such proceeding was very much calculated to embroil us in war.

MR. DARBY GRIFFITH said, when a short time ago the Under Secretary for Foreign Affairs stated the debt of Turkey at £14,000,000, he entirely omitted the domestic debt. It appeared from the report of Lord Hobart and Mr. Foster that the entire debt of Turkey, external and internal, amounted to £42,000,000.

MR. LAYARD explained, that on the occasion referred to his remarks were avowedly confined to the foreign debt of Turkey. The report of Lord Hobart and Mr. Foster completely verified what he then stated to the House.

*Vote agreed to.*

(26.) Motion made, and Question proposed,

"That a sum, not exceeding £40,000, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1863, for Surveying the Line of Boundary between the British and United States Territory, in the Western part of North America."

MR. E. P. BOUVERIE said, he believed that the physical and scientific difficulties in the way of tracing the boundary between our possessions in North America and those of the United States were so great that it would be almost impossible to accomplish the work. He thought the Government should submit to the House an estimate of the entire cost of the Commission, and should also state when the undertaking was likely to come to an end.

MR. PEEL believed, that the boundary had been traced, and that the Commissioners were now on their return home. The present Vote, added to the £60,000 voted last year, would be nearly sufficient to defray the whole expense, which could not exceed £110,000 altogether.

MR. PEASE asked, whether the United States Government had consented to the boundary so far as traced?

MR. PEEL replied, that the Commission was a joint Commission, and that the United States Government paid half the expense.

MR. E. P. BOUVERIE wished to know, whether the sum now asked would practically close the account. If so, he should be satisfied.

MR. PEEL could give no such assurance; but such was his belief.

MR. BERNAL OSBORNE thought that

his right hon. Friend near him seemed to be more easily satisfied than some of the economists who were not there. He thought the hon. Gentleman had given no assurance that there would not be a repetition of this Vote of £40,000. He would move that the Vote be reduced by £20,000.

**Motion made, and Question proposed,**

"That a sum, not exceeding £20,000, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1863, for Surveying the Line of Boundary between the British and United States Territory, in the Western part of North America."

VISCOUNT PALMERSTON said, that his hon. Friend had come down to the House late this evening, and he supposed must have his joke. But he supposed his hon. Friend did not mean that this boundary was not to be traced, or that people were not to be paid for tracing it. The American Government were in perfect concert with ours in this matter, and had agreed to share the expense.

MR. BERNAL OSBORNE said, he wanted the noble Lord to give a pledge that the cost would not be repeated.

VISCOUNT PALMERSTON said, he could give no pledge without knowing the facts to which it was to apply. He suggested that his hon. Friend should move for a report of the probable amount that would be required to complete the survey.

MR. BERNAL OSBORNE said, he would do that too.

MR. LAIRD wished to know, whether the money had been well expended? He therefore asked, whether the American Government were so far agreed with us as to the boundary?

MR. PEEL believed they were entirely agreed with us.

COLONEL DUNNE hoped a tracing of the boundary line would be laid before the House.

MR. E. P. BOUVERIE wished to know, whether the expense had been borne by both Governments.

SIR CHARLES WOOD said, there was a treaty between the two Governments that there should be a boundary line. The American Government were acting with us in order to trace that boundary and prevent disputes. It was surely reasonable that it should be traced at the expense of both parties.

Motion, by leave, withdrawn.

Original Question again proposed.

Whereupon Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."

The Committee divided: — Ayes 29; Noes 46: Majority 17.

Original Question put, and agreed to.

House resumed.

Resolutions to be reported To-morrow; Committee to sit again To-morrow.

INCLOSURE BILL—[BILL NO. 130.]

THIRD READING.

Order for Third Reading read.

MR. PEACOCKE suggested, that when any measure was in future proposed for enclosing any land in the vicinity of the metropolis, the attention of the House ought to be specially drawn to that fact. No one would imagine, from what appeared on the face of this Bill, that the Forest of Hainault, situated within nine miles of London, was intended to be enclosed by it. This was a matter seriously affecting the health and recreation of the poorer classes inhabiting the east end of the metropolis, and neither the House nor the Government ought to afford facilities for such encroachments.

SIR GEORGE GREY said, that the proceedings upon this Bill showed that these enclosures could not take place without the utmost publicity. The Bill confirmed certain orders made by the Enclosure Commissioners, which orders could only be made after due notice to the whole neighbourhood affected. In this case certain persons interested in the question had petitioned the House upon it, and their petition had been referred to a Select Committee in the same manner as if the measure had been a private one. The present arrangement had, he believed, been acquiesced in by all the parties interested. He would, however, consider the hon. Member's suggestion and communicate with the Enclosure Commissioners upon it.

Bill read 3°, and passed.

SHOEBURYNESS—EXPERIMENTS.

RETURN MOVED FOR.

LORD HENRY LENNOX, in moving for an Address for a Return showing the results of the late experiments made with Armstrong or other guns at Shoeburyness within the last six months, and specifying various particulars, said, he was surprised to find

that this simple and, at the same time, urgent Return was to be refused by the Secretary for War. A strange misapprehension had gone forth with respect to the experiments made upon the target of the *Warrior*, and contradictory statements had been made by high authorities as to the penetrating power of different descriptions of guns on iron plates. The accredited agents of foreign Powers had, he understood, been permitted to obtain information as to all the *minutiae* of these experiments, and the House of Commons alone appeared to be kept in the dark on the subject. The Return which he sought for would help to remove the uneasiness and uncertainty which now prevailed on this important matter, and he therefore begged to move for its production.

Motion made and Question proposed,

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, a Return showing the results of the late Experiments made with Armstrong or other Guns at Shoeburyness within the last six months, and specifying the charge of powder, weight of shot, and distance of object fired at; including a Copy of the diagram of the *Warrior* Target, showing the impact and penetration of the various shots."

SIR GEORGE LEWIS said, that if there was any particular experiment as to which the noble Lord wished for information, and he would give notice of a question respecting it in the usual manner, he would answer such a question; but it was not usual for the Military Department to give a detailed Return of the results of an experiment like this. The Admiralty had not felt themselves justified in laying upon the table the report of the Iron-plate Commission which had been lately presented, and it contained detailed accounts of a series of experiments, exactly like that mentioned in the Return now asked for. He trusted that the House would not think it necessary to insist on the production of such a Return.

MR. MONSELL thought that the right hon. Gentleman was mistaken as to the practice of the Department, for, if his memory served him, detailed accounts were laid before the House in the case of the experiments carried on with Mr. Bachley Britten's inventions. The House ought to be thoroughly informed upon everything bearing on the question of fortification, which would have by-and-by to be discussed, these fortifications being

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chiefly advocated on the ground that it was possible to make a gun powerful enough to penetrate the sides of the *Warrior* at a distance of 1,000 or 2,000 yards. It was therefore important to know exactly the result of the experiments carried on. There was no mystery on the subject. Foreigners went down to Woolwich day after day, and saw the whole process of manufacture. He had also been shown a diagram representing the result of the experiments; and if what he had been assured was correct, the newspaper accounts of these experiments were altogether unfounded.

VISCOUNT PALMERSTON said, his right hon. Friend (Sir G. Lewis) had undertaken to answer any question which might be put with regard to particular facts after due notice. But that was very different from laying before the House a detailed return such as that moved for.

MR. BERNAL OSBORNE said, that the fortifications were to be constructed with reference to a particular gun not yet made. How, then, could the House enter upon a discussion as to the expediency of constructing those fortifications if it had not the specific information now asked for? The House voted the money for these experiments, and why should it be left in the dark as to the results? He had been assured that the target had not been penetrated in the course of this experiment; that the shot had stuck in the skin; and that nobody would have been hurt on board a ship so defended. With regard to the diagram which had been spoken of, he had a photograph showing the impact of the balls upon the target. There was no secret about it, and he did not see why the Government should make one.

On Question, the House divided:—Ayes 16; Noes 19: Majority 3.

FISHERIES (IRELAND) BILL—[Bill No. 47.]  
SELECT COMMITTEE.

MR. M'MAHON moved, that the Select Committee on the Fisheries (Ireland) Bill do consist of 19 Members, and that Lord FERMOY and Mr. GEORGE, be added to the Committee.

LORD NAAS opposed the Motion.

SIR GEORGE GREY thought special grounds ought to be shown for additional names.

LORD FERMOY supported the Motion. COLONEL DUNNE was of opinion that the Committee should not be increased.

Motion made, and Question put, "That the Select Committee on the Fisheries (Ireland) Bill do consist of nineteen Members."

The House divided:—Ayes 8; Noes 17: Majority 9.

House adjourned at a quarter before Two o'clock.

## HOUSE OF LORDS,

*Friday, June 13, 1862.*

MINUTES.]—PUBLIC BILLS.—1<sup>a</sup> Elections (Ireland); Elections for Counties (Ireland); Rifle Volunteer Guards Act (1860) Amendment; Inclosure; New Zealand.  
2<sup>a</sup> Oxford University.

## UNITED STATES—THE CIVIL WAR. PROCLAMATION OF GENERAL BUTLER. QUESTION.

THE EARL OF CARNARVON said, he wished to put a Question to the noble Earl the Secretary for Foreign Affairs, in reference to a proclamation stated to have been issued by the commander of the Federal forces, General Butler, at New Orleans. That there might be no misconception of the terms of this proclamation, he would read what had been published as the copy of it—

"Head-quarters, Department of the Gulf,  
" May 15.

"As the officers and soldiers of the United States have been subject to repeated insults from the women calling themselves 'ladies of New Orleans,' in return for the most scrupulous non-interference and courtesy on our part, it is ordered that hereafter, when any female shall, by word, gesture, or movement, insult or show contempt for any officer or soldier of the United States, she shall be regarded and held liable to be treated as a woman of the town plying her avocation.

"By Command of Major Gen. BUTLER."

He would not insult the House by making any comment on such a proclamation as this; but it was perfectly obvious one of two things must be meant. It was either a mere menace, or it was intended to be a reality. If it was merely a menace, then it was a gross, unmanly, and brutal insult to every woman in New Orleans, since it was a notorious fact that all their sympathies were unanimously on the side of the Confederate cause. On the other hand, if the proclamation were intended to have a practical effect, he begged their Lordships to observe, that by the terms in which it was couched it gave larger and more unlimited power to the Federal troops

than had ever been given to any soldiery. They had heard of towns that had been taken by storm being subjected to the violence of the troops; but the proclamation was absolutely without precedent or parallel, in a commercial city that had capitulated, and of which the hostile army held quiet occupation. He would do the people of the Northern States the justice to say he did not believe they were in any sense identified with the conduct of General Butler, and that they would repudiate this extraordinary document. But if this was the way in which the war was to be carried on in future, it would become a war of extermination. The Question he wished to ask was, whether Her Majesty's Government had received any information as to whether this proclamation was authentic or not? He wished also to state, that there had been for some days past reports of a proposal made by the Government of France to Her Majesty's Government, for concerting jointly the terms of a mediation between the belligerents in this civil war. It was quite obvious that the whole value of such a mediation must depend on the terms in which it was couched, on its general character, and the spirit in which it was received. But, assuming that the mediation would be such as they could join in, consistently with their own self-respect and the material interests of this country, he hoped the Government would give the propositions their earnest consideration. He should be glad to hear from the noble Earl how far it was true that negotiations were at this moment in progress between the two Governments with reference to mediation.

EARL RUSSELL: My Lords, in answer to the first Question put to me by the noble Earl, I beg to inform him that the only information which we have received on the subject is a despatch from Lord Lyons, in which he encloses a newspaper containing this proclamation, and, after alluding to its purport, says that the intelligence from New Orleans appears to confirm its authenticity. I believe that the proclamation is authentic; but we have no information as to any opinion—any approval or disapproval—expressed by the American Government. Lord Lyons does not appear to have raised any question with the American Government on the subject, though there is no public act of the American Government disapproving the proclamation; and I do not find that the United States

Minister in this country has received any despatch alluding to it. For my own part, I sincerely trust, for the sake of the American Government itself, that they will lose no time in disavowing the proclamation—if, indeed, they have not already refused to sanction it. It is important as regards the character of the American Government that this should be done at once; but I think likewise it is of importance to the whole world that the usages of war should not be aggravated by proclamations of this character. War is of itself quite horrible enough, and to add to its horrors by such proclamations is a grave offence not only against the particular population who are subjected to hostilities, but against mankind in general, whose interest it is that those usages should be made less rigorous and less cruel. As to the proclamation itself, I have been told that it is susceptible of this explanation:—The purport of the words is to the effect, that if any woman shall show contempt for any officer or soldier of the Federal army, she shall be regarded as liable to be treated as a woman of the town plying her vocation. Now, there are in New Orleans local regulations by which women of the town who are guilty of any disorder in the streets are liable to be sent to prison, and I am told that the meaning of the order is, that any women treating the Federal officers and soldiers with contumely in the public streets shall be held to be women guilty of disturbance in the town, and be sent to prison as such; but I quite feel with the noble Earl that even if the proclamation is not meant to be put in force, it is likely to give the soldiery a licence for great brutality. For my own part, therefore, I must say that I see no defence for the proclamation, and I can only hope sincerely that the United States Government will disavow it altogether, and will declare that it meets with their decided disapproval.

I cannot answer for this interpretation being correct. The noble Earl has asked me as to the truth of a rumour which has obtained currency, that the two Governments of France and England intend to offer their mediation between the Northern and Southern States. The spreading of this rumour may prove exceedingly mischievous, and therefore I am glad to have an opportunity of stating the true state of the case. Her Majesty's Government have made no proposals of the kind to the Government of France, and the Govern-

*Earl Russell*

ment of France have made no such overtures to ours. Moreover, the French Ambassador here has stated that he has no instruction on the subject; and I need not say, therefore, that there have been no communications between the two Governments of the tenor which has been spoken of. Without giving any opinion as to the propriety, at some time or other, of offering our good offices or mediation, I must say that I think the present time would be most inopportune for such attempt at mediation. No good could come of it, and in the present state of the war, and in the present embittered state of feeling on both sides, such an offer would rather tend to prevent any good result from being attained, if it should be deemed desirable to attempt such mediation hereafter. Certainly, there is no intention on the part of Her Majesty's Government to mediate at the present moment.

#### UNITED STATES — RIGHT OF SEARCH. OBSERVATIONS.

LORD BROUFGHAM said, there was another subject of the greatest importance on which the Governments of England and France ought to come to some understanding. In consequence of the American concession of the right of search, he was informed that an attempt would be made to transfer the slave trade to a French port, and to carry it on under the French flag. It was well known that the profits of the trade were enormous; so that if one ship out of five or six escaped the cruisers, and landed her cargo, great gains were made by the traders. In this very city men were taking steps to engage in the slave trade, in proof of which he would read this letter from a highly respectable merchant of London—

"The circumstances to which I alluded arose in the following way. A gentleman, with whom I am intimately acquainted, named to me that an offer was made to him to join others in the African trade. I immediately made observation that I trusted it was not in the slave trade, to which he replied that it was, and I therefore declined. I remarked, how will this affect the right of search established with England and America? Upon which he snapped his fingers, and said it was the intention to sail under French colours, and the point of departure Marseilles. My friend further stated that a very large amount of money was at command, but that every movement was conducted with the utmost secrecy; so much so that upon one occasion a check had to be changed by one of the parties."

He had no doubt that the French Government would hear with indignation of this

attempt to make Marseilles a slave-trading port, and to carry on this traffic under the French flag; but, under the circumstances, it was absolutely necessary that some communication should take place between the two Governments, so that France might extend permanently the right of search to us, which she had done for a few years.

EARL RUSSELL could assure his noble and learned Friend that this subject had not escaped his attention. As soon as the treaty with the United States was ratified, he wrote a despatch to Her Majesty's Ambassador at Paris, stating the probability that now that the United States flag could be no longer used for the purposes of the slave trade, other flags would be resorted to, more especially that of France, and urging the French Government to enter into some treaty or convention upon the subject. It appeared that the treaty of 1845 put an end to all former treaties on this subject which had been in force between the two countries. It was provided that that treaty should last ten years, and that then, if not renewed, it should expire. In 1855 there was no proposal on either side to renew the treaty, which therefore expired. It was certainly necessary now that some new arrangement should be entered into between the two Governments, and his noble Friend might rely upon Her Majesty's Government to do all that was in their power for the suppression of the slave trade.

**SCOTLAND (BOARD OF SUPERVISION  
FOR THE RELIEF OF THE POOR)  
—ROMAN CATHOLIC CHILDREN.**

**PETITION.**

THE MARQUESS OF NORMANBY presented a Petition of Roman Catholic Inhabitants of Edinburgh, complaining of certain decisions of the Board of Supervision for the Relief of the Poor (Scotland), with respect to Roman Catholic children. The noble Marquess said that the Petition was signed by 3,740 Roman Catholic inhabitants of Edinburgh and Leith, and complained that they did not enjoy that religious freedom to which they were entitled, and which was secured to them by law, and that constant attempts were made to tamper with their religion in the persons of the most helpless class—the children of their faith who were inmates of the poor-houses. The subject was not a new one in that House, for a Petition similar in prayer to that now presented had been

heretofore submitted, and had given rise to some discussion, and he thought the Government were bound to interfere, to check the evils complained of. Of late years the population of Scotland had been largely, and, as he believed, beneficially, increased by the immigration of labourers from Ireland, who were all Roman Catholics, and thus that body could not be said to form an inconsiderable portion of the whole population of Scotland. It was calculated that there were about 393,000 Roman Catholics in Scotland, there being in Glasgow about 110,000, and in Edinburgh between 20,000 and 30,000. The Roman Catholics, therefore, numbered about one-seventh of the population of Scotland. These persons were engaged in the hardest and worst-paid employment, and consequently their children formed the largest portion of the pauper class, it having been estimated that of the pauper children under the charge of the Parochial Board of Edinburgh no less than one-sixth were Irish and one-third Roman Catholic, the difference between the two figures being the children born in Scotland of Irish parents. When this subject had been last discussed in that House, the noble Duke opposite (the Duke of Argyll) congratulated them that the statement he had made had satisfied their Lordships that there was great exaggeration in the complaints that had been made. How the noble Duke had arrived at that conclusion it was difficult to understand, as the complaints had certainly not been satisfactorily answered. If fair words and promises were of any benefit, the Board of Supervision had been profuse of them; but he was informed that after the lapse of a short time the system of proselytizing had been practised as extensively as ever. The Roman Catholic chaplains who attended the poor-houses in Edinburgh complained of the distribution of Protestant tracts among the children, in some of which were ribald verses reflecting upon the Roman Catholic religion, while in others a more decent but more dangerous course was pursued. The Board of Supervision, when complaints were made, said that the clergyman who distributed the tracts might have acted wrongly, and that what had been done was without their sanction; but no reference was made to the allegation that Roman Catholic children were punished for refusing to read the tracts. The noble Marquess referred to a written statement of Sir J. M'Neill, Chairman of the Board of Supervision, in

which the Roman Catholics of Scotland were told, that as they were a small minority, and must depend on the will of the majority for any toleration they received, they ought to take care how they stirred questions which might lead to their being deprived of the advantages they now enjoyed. Nothing could be more unlike the tone of a protector of the weak than such language. An impression had got abroad that the present Government did not always observe that impartiality between different religions which was incumbent upon them, especially since the passing of the Catholic Emancipation Act. Their Lordships would all recollect the case of Mr. Turnbull, who had been removed from his situation in the Record Office, for which he was in every way qualified, simply because he was a Roman Catholic. He did not accuse noble Lords on the Ministerial bench of having changed their principles, but it could not be denied that in Ireland an apprehension had been excited by the conduct of a Member of the Executive that something like the cry of "No Popery" was to be raised. As a sincere Protestant, he believed that the spirit of Protestantism was a spirit of toleration ; and he must say that the most objectionable kind of persecution was that exhibited when those in authority used their power to force their own opinions upon those who differed from them. He was afraid that at present that system prevailed to some extent in Scotland. He entreated their Lordships to recollect that these petitioners did not ask for any special favour—on the contrary, they expressed the utmost confidence in the administration of the Poor Law in Scotland. All they desired was that their complaints might not be referred to a Ministerial Board, in whose decisions they had no confidence, but that they might be heard in public before the recognised tribunals of the country.

THE DUKE OF ARGYLL said, he was rather surprised at the great warmth—he might say, the great heat—with which the noble Marquess brought forward this petition ; but every secret came out at last, and so it appeared that the noble Marquess connected this case, as he did everything else, with his unfortunate Italian policy ; and therefore he made it a deliberate charge on the Government in connection with this wretched question, that they were influenced by the "No Popery" cry, and meant to prosecute their Roman Catho-

lic fellow-subjects. He really thought such observations entirely beside the question, and he should not further condescend to notice them. When this subject was brought before their Lordships last year, the Petition then presented was conceived in very temperate language, and the noble Earl opposite (the Earl of Derby) stated its allegations, for which he did not, however, vouch. The noble Earl was kind enough to give him (the Duke of Argyll) previous notice, not only of the general tenor of the Petition, but also of the individual cases to which it referred, and he wrote to Sir John M'Neill, from whom he had received a statement in reply, which he had submitted to their Lordships, and which he believed satisfied them that there was very considerable exaggeration in the allegations of the petition. He did not say that there might not be some individual cause of complaint, but certainly he thought he satisfied the House that the rules adopted by the Board were intended to defend Roman Catholic children from proselytizing influences. The noble Marquess had given him no notice that he intended to refer to particular cases ; the notice on the paper was simply that he would present a Petition from Roman Catholic ratepayers in Edinburgh. The noble Marquess had alluded to two particular cases, of which he was entirely ignorant, having received no notice respecting them, and he was not therefore prepared with any answer with respect to them. He would, however, take that opportunity of alluding to a somewhat similar case mentioned by the noble Earl behind (the Earl of Wicklow) some weeks ago, and with respect to which some correspondence had taken place. That case would show the extent of exaggeration of which he complained. On investigation it completely broke down. An Irishman, named Gillan, a twister in Glasgow, married ; his wife died, and he enlisted in the army, committed his only child to the care of Mrs. Flint. He went to India, but for some time corresponded with Mrs. Flint. Ultimately, the child was thrown for support on the parish. Mrs. Flint was a Protestant, and the board took the natural course of continuing the child with her to whom the surviving parent had intrusted it. Several Roman Catholic relations of the father were living near, but they made no inquiries as to the child until it was five years old, when they applied to have it removed. The child had at first been placed in a Roman Catholic School ; but

*The Marquess of Normanby*

not learning there, it was placed in a Protestant school, and the board declined to remove it. None of the parties who came forward were ready to come under an obligation to the parochial board, to relieve them of the child's maintenance or education; and he remained in the school, where, several Roman Catholics having placed their own children, it was to be supposed there was no proselytism. The fact was, that Roman Catholics in going to Scotland had, in some instances, the desire to conform to the religion of the country. In this very case it turned out, on reference by the parochial board to the War Office in May last, that Gillan had enlisted, not as a Roman Catholic, but as an Episcopalian. If the noble Marquess had given him notice of the cases he meant to mention, he would have made inquiries into the facts; but he repeated, there were no grounds whatever for the sweeping—he might say monstrous—accusations which had been made against the parochial board and the Board of Supervision.

THE EARL OF WICKLOW knew nothing of the facts, except as stated in the Petition he had formerly presented. He wished, however, to know why the parochial board had placed this child in a Roman Catholic Seminary, if they had reason to believe that its parents were Protestant?

THE DUKE OF ARGYLL, in answer, said, that the correspondence with the War Office took place only last month, and till then the Board of Supervision had reason to believe that Gillan was a Roman Catholic.

THE EARL OF WICKLOW said, he believed that the child had been placed in a school where the Protestant version of the Scriptures was not read. There was a universal feeling among the Roman Catholic population of Scotland, from the Bishop down to the poorest labourer, that they were not treated with justice in this matter. It was therefore absolutely necessary for the restoration of confidence that some inquiry should take place; and he trusted it would be instituted without delay. When similar complaints arose in England, an inquiry was immediately granted; and it was still more necessary in Scotland, where it was believed that the Board of Supervision was not impartial. He might remark, in conclusion, that the persons whose petition he presented last Session had complained to him that the noble Duke, while giving a general contradiction

to their allegations, had not produced any counter-statement whatever, far less one of a satisfactory character.

THE DUKE OF ARGYLL said, the Board of Supervision would have no objection to produce the correspondence which had taken place between them and the petitioners to whom the noble Earl referred.

THE EARL OF DONOUGHMORE said, the noble Duke had not answered any one of the statements made by the noble Marquess. He hoped, that if it were true, as stated by the noble Marquess, that Sir John McNeill had told the complainants that if they did not keep quiet they would be subjected to even worse treatment than at present, the Government would at once interfere. It was natural to suppose that the local boards would allow their religious feelings to influence them in the performance of their public duty; and it was clearly the business of the Board of Supervision to see that the law was carried out, in the just and liberal spirit in which it was framed. The principle of the Poor Law was that relief should be given without reference to religion, and he trusted the Government, in the performance of its duty, would see that justice was done to all parties.

THE DUKE OF ARGYLL reminded their Lordships that the Board of Supervision had actually issued a regulation to the effect that Roman Catholic priests should be allowed free access to conduct the education of Roman Catholic pauper children. It was impossible to suppose that the Board of Supervision had any wish to proselytize.

After a few words from the Marquess of NORMANBY,

Petition to lie on the table.

#### OXFORD UNIVERSITY BILL—[BILL NO. 88.] SECOND READING.

Order for the Second Reading read.

THE EARL OF DERBY, in moving the second reading of the Oxford University Bill, said, the object of the Bill was to extend the power of making statutes possessed by the University, and to make further provision for the administration of justice in the Chancellor's Court. For the former purpose the Bill enabled the University to make regulations in reference to certain Professorships, to suppress certain Professorships when no longer required, to annex conditions to certain Professorships, and to vary the trusts of certain

scholarships. All statutes passed under this Bill were to be submitted to Her Majesty in Council in the same manner as required by the University Act. The 12th section simply gave power to the Vice Chancellor to make rules for the regulation of his Court.

Bill read 2<sup>d</sup>, and committed to a Committee of the Whole House on Monday next.

**RED SEA AND INDIA TELEGRAPH COMPANY BILL—[No. 70.] COMMITTEE.**

Order for Committee read.

THE DUKE OF ARGYLL explained that this Bill was intended to give the sanction of Parliament, not to the arrangement between the Government and the new company, but only to that limited arrangement between the Government and the old company under which the latter would transfer to the new company their property in the cable upon payment of a sum of £36,000 a year by way of interest, such sum being now converted into the more negotiable form of annuities charged upon the Consolidated Fund.

House in Committee.

Bill reported, without Amendment; and to be read 3<sup>d</sup> on Monday next.

House adjourned at Seven o'clock,  
to Monday next, half-past  
Eleven o'clock.

**HOUSE OF COMMONS,**  
**Friday, June 13, 1862.**

**MINUTES.]—PUBLIC BILLS.—1<sup>o</sup> Poor Removal ; Portadown Fair Discontinuance.**

**UNITED STATES—THE CIVIL WAR—OFFER OF MEDIATION.**

**QUESTION.**

MR. HOPWOOD said, he would beg to ask the First Lord of the Treasury, Whether Her Majesty's Government and the Government of France intend to offer to mediate between the Federals and Confederates; and, if their friendly offices are not accepted, whether they would be prepared to recognise the Southern Confederacy?

VISCOUNT PALMERSTON : Sir, Her Majesty's Government have received no communication from the Government of France upon the subject of mediation; and we have at present no intention of offer-

ing mediation between the two contending parties.

**BROMPTON CEMETERY.—QUESTION.**

MR. H. BERKELEY said, he wished to ask the Secretary of State for the Home Department—Government having purchased the Brompton Cemetery in the year 1850, on the strength of a decided opinion expressed in a Report of the Board of Health, that it was one of those which for sanatory purposes ought to be closed. Why has Government kept that Cemetery open, when twelve years have added to the density of the population and the consequent danger?

SIR GEORGE GREY said, the Cemetery was purchased at the time mentioned by the hon. Member, but not at all with the view he had assumed. It was purchased by the then Board of Health, in order that it might be made available as a substitute for certain Churchyards which it was desirable on sanitory grounds to close. A very full Report was made in 1853 and again in 1856 by Dr. Sutherland and Dr. Holland, from which it appeared that for a considerable number of years burials might be conducted with perfect safety there under the regulations which had been enforced, and no apprehension could arise from the continuance of interments in that Cemetery.

**ARMSTRONG ORDNANCE.—QUESTION.**

SIR FREDERIC SMITH said, he rose to ask the Secretary of State for War, Whether any steps have been taken towards the construction of a 600-pounder Armstrong Gun, or any other Gun of greater calibre than the 150-pounder smooth-bore Gun with which experiments have been made at Shoeburyness; and, if so, when it may be expected to be finished and ready for proof?

SIR GEORGE LEWIS : Sir, a 200-pounder Armstrong rifled gun has been constructed. It has been proved within the last week, and experiments will be immediately commenced with it. A 600-pounder Armstrong gun is now in course of construction, and it is promised that it shall be ready for proof in three months. I will also add that a wrought-iron rifled gun is now being constructed by Mr. Lydell Thomas, to throw a projectile of 400 lb. weight, which it is expected will be ready in three months.

*The Earl of Derby*

## COMMUNICATION WITH VANCOUVER'S ISLAND.—QUESTION.

SIR HARRY VERNEY said, he rose to put a Question to the Under Secretary of State for the Colonies on the subject of the means of communication between this country and Vancouver's Island. The hon. Baronet read an extract from a letter written by a passenger on board an American ship on her way from San Francisco to Victoria, complaining, that though licensed to carry only 800 persons, she had on board between 1,200 and 1,300, and would consequently, if caught in a gale of wind, be exposed to great danger. ["Order!"] He would conclude by asking, Whether it is the intention of the Government to take any steps towards the establishment of a line of Packets between Panama and Victoria?

MR. CHICHESTER FORTESCUE said, he was fully aware of the importance of the subject to which the hon. Baronet referred; and something had lately been done for the purpose of improving the postal communication with Vancouver's Island and British Columbia. Arrangements had been made for conveying mails and passengers under a subsidy provided by the two Colonies from San Francisco to Victoria. With reference to the larger question of postal and passenger communication in British steamers from the Isthmus of Panama to Vancouver's Island, there was certainly nothing that would promote so much the growth of the Colonies themselves as British communities; but he could not undertake to say that the Government at present thought it their duty to call upon the House to assist them in that object.

## SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

## THE ALLEGED OUTRAGE ON MR. TAYLOR.—PAPERS MOVED FOR.

MR. CAVENDISH BENTINCK rose to call attention to the case of Mr George Græme Watson Taylor, and to move an address for the correspondence relative to the prosecution of that gentleman for an alleged act of sedition, and the plunder of his residence. Nothing could

be further from his intention, in bringing forward this subject, than in any way to embarrass the Government of the noble Lord, or to censure the Foreign Secretary; for he thought that where the rights of British subjects were at stake, no party feelings should be allowed to interfere. He should have pursued precisely the course which he was now adopting if hon. Gentlemen on his own side of the House had occupied the Treasury Bench. A rumour had been circulated that Mr. Watson Taylor had out of doors been accused of entertaining reactionary opinions. In his name and by his authority he begged to state that Mr. Taylor never directly or indirectly interfered in Italian politics. For the last two years he had resided in England, and during the five or six years that he had lived on an island in the Mediterranean it was clear that he could have had no means of taking any part in the affairs of Italy. Mr. Taylor, like himself, was in favour of Italian unity; but borrowing an observation from his hon. Friend the Member for Liskeard (Mr. Bernal Osborne), he would say that if that unity were to interfere with the rights and privileges of British subjects, much as he liked Italian unity, he liked those rights and privileges more. The facts of the case were these. In 1852, Mr. George Watson Taylor, being ordered to the Mediterranean for the benefit of his health, in an evil hour determined to invest his fortune in the purchase of the island of Monte Cristo, which was situated about twenty-five miles south of Elba. He entered into negotiations for the island with the gentleman to whom it belonged, and made application through the British Legation to the Court of Tuscany to know whether he would receive encouragement in the event of his expending capital in the improvement and cultivation of the island, which was then uncultivated and uninhabited. He had a personal interview with the Grand Duke of Tuscany, who said he was most anxious that Englishmen should settle in his dominions, and promised to give Mr. Taylor every encouragement and protection. That gentleman had desired him to state to the House, as a tribute to a fallen family, that every promise made to him by the Government of the Grand Duke and the Grand Duke himself, had been most faithfully and honestly performed. When Mr. Taylor purchased the island, there was doing duty thereto a corporal belonging to the Board of Health or Sanità, named

Durante, who was guilty of very gross misconduct towards Mr. Taylor. The latter made a representation on the subject to the Governor of Elba ; the case was investigated, and Durante was removed. After that Mr. Taylor virtually suffered no annoyance from the soldiers ; for, on a representation to the Governor of Elba, any cause of complaint against the guard was at once rectified. In the year 1859 those changes took place in Italy which brought disaster to Mr. Taylor. Shortly after the Provisional Government was proclaimed, the guard of the island of Monte Cristo, which consisted of four privates and a corporal, became unruly and insubordinate, and these men with drawn swords constantly threatened Mr. Taylor, unless he gave them provisions and money. Mr. Taylor made a complaint to the Provisional Government established at Florence, through the medium of our representative, Mr. Corbet, and other authorities, against a corporal named Ricci, who had insulted Mr. and Mrs. Taylor in the grossest manner ; but though the offence was proved, he escaped punishment, owing to his being the relative of an officer. So matters went on until Tuscany was annexed to the kingdom of Sardinia by a *plebiscito*, or vote of universal suffrage. That took place at the end of March, but the intelligence of the *plebiscito* was not conveyed to the island of Monte Cristo by the post which arrived there in the beginning of April ; and, as there was only one post per month, the people on the island remained in ignorance of the annexation during the whole month of April. On the 1st of April, after an absence of five or six years, Durante, the very man who had been dismissed for misconduct, reappeared in Monte Cristo, and assumed the command of the guard. It was an important question how this man came to be sent there. He had been dismissed for notorious misconduct ; and it must have been within the knowledge of the authorities that he was most disagreeable to Mr. Taylor, whom they were bound to protect. Mr. Taylor had no doubt that the man was sent there in order to get up a charge against himself. Any hon. Member who wished to learn the details of the petty quarrels that arose on the 28th and 29th of April, would find them in the printed papers. On the 3rd of May the announcement of the annexation of Tuscany to Sardinia reached the island ; but Mr. Taylor never received any official notice of the event. Durante left, and his

successor behaved no better than he had done. On the 3rd of July, Mr. Taylor felt himself compelled to address a letter to Sir James Hudson on the subject of the soldier's conduct. He thought it a remarkable thing that this letter had not been produced. In it Mr. Taylor called attention to the insolence and insubordination of the soldiers, who were constantly pilfering whatever they could lay hold of, and expressed a hope that Sir James would ask the Government of Sardinia to order the immediate removal of those offenders, adding that if he should be obliged to use force for the protection of his property, and blood should be shed, the responsibility would rest on the King of Sardinia. To that letter no answer was received ; but some days after it was written, Mr. Taylor received a citation from a court in Elba to appear within a fortnight to answer a charge of sedition. He was very much astonished, but he determined to stand his trial ; and on the 18th of July wrote a letter to Sir James Hudson, which was to be found in the Watson Taylor papers. In that letter he said the accusation was wholly false, and then went on to observe—

"The whole charge is an entire perversion of the truth, and would seem a plot to drive me from the island ; and even the authorities would seem to participate, as they were perfectly well aware that on the 29th of April it was not known that Victor Emanuel was proclaimed King on the Island of Monte Cristo, and therefore the pretended offence was very slight, if any offence at all ; nor have they given any intimation of the island being under the sovereignty of Sardinia."

The letter concluded in these terms—

"Your Excellency, after reading these details, will hardly be astonished at my earnest request that these soldiers should be withdrawn, and I most humbly pray your Excellency to give me some aid and advice in my present position. The Vice Consul at Porto Ferrajo is an Italian, and I am afraid is not to be relied upon. The accusation has not been made out in my right name, being Taylor, instead of Watson Taylor, and I have had no intimation of any change of Government ; but I should rather stand upon my own innocence, though my case presents some difficulties, particularly when judged in Elba."

He thought the House would be of opinion that the letter written by Mr. Taylor to Sir James Hudson was a most proper one. By the same post he wrote to Mr. Fossi, the Vice Consul at Porto Ferrajo, who was an Italian, who replied that the prosecution had been instituted by order of Baron Ricasoli himself, and that he could give him no assistance unless he was paid for his services. A relative of Mr. Fossi, a

lieutenant in the naval service, also wrote to say he had no doubt, that if Mr. Taylor paid the Vice Consul his fees and all costs, he could get him out of the scrape. The House would see that Mr. Taylor was placed under great disadvantages ; for, his labourers being included in the charge, it was not possible for him to examine them as witnesses ; he nevertheless determined to take his chances on the trial. About this time a Piedmontese general officer of the staff appeared in Monte Cristo, to examine the state of the harbour. Mr. Taylor invited this gentleman to his house, and in conversation with him the Piedmontese General spoke of the prosecution as absolute nonsense, and expressed his opinion that the Government had no intention of continuing it. Mr. Taylor, however, fully made up his mind to go to Elba. He therefore set out for Leghorn to consult Mr. Macbean, and was advised by him to go to Turin and lay the facts before Sir James Hudson. On the 23rd of August he saw Sir James, who told him he had already made two ineffectual applications to the Piedmontese Government to stop the prosecution ; but that if he would call the following day, he would make a third. Mr. Taylor did accordingly call on the following day. Mr. Taylor desired him (Mr. Bentinck) to say that he could not account for the following statement contained in the despatch of Sir James Hudson, dated August 26 :—

"On the 23rd inst., Mr. Taylor came to Turin ; and having gone over the case with him, I made a further direct and personal, though unofficial, representation of the matter to Count Cavour, who regretted that the prosecution had ever commenced, and, whilst he declared his inability to interfere with the proceedings of the law courts, added that he should not fail, if judgment were given against Mr. Taylor, to recommend His Sardinian Majesty to grant him a free pardon." Mr. Taylor assured him that nothing of the kind ever took place, but thought—and he agreed with him—that in the multiplicity of business Sir James Hudson forgot what had occurred. Mr. Taylor was borne out by the letter of Count Cavour, in which the latter stated—

"I had no knowledge whatever of the contentions between Mr. Taylor and justice, nor of the circumstances which had led to them. I heard them mentioned, for the first time, when you thought proper to interpose officially, in order to obtain for him a remission of the penalty which he had incurred."

It was quite clear the two statements were inconsistent, and that the statement of Mr. Taylor was confirmed by the official letter

of Count Cavour. Mr. Taylor's statement of what took place was—

"When Sir James Hudson had for the third time been refused by the Government any interference with the proceedings, I asked his advice as to whether I should leave Sardinia, and he advised my doing so, and gave my passport for England."

Mr. Taylor left Turin with his passport, and on the 5th of September the trial came on. The result of the inquiry would be found in the report made by Mr. Macbean, at the request of the Foreign Secretary. Mr. Macbean stated that it was elicited at the trial that musket-shots were fired on the island of Monte Cristo on the evening of April 28, 1860, near Mr. Taylor's residence, accompanied by cries and cheering, the meaning of which the witnesses could not understand ; the accused under trial maintaining, however, that they were only celebrating the birthday of their master, Mr. Taylor. It appeared that the corporal of the guard, Durante, had been removed from Monte Cristo, and that, having been reinstated, he was actuated by not the most friendly feeling to Mr. Taylor. It was alleged that Mrs. Taylor told the soldiers that their King, Victor Emmanuel, was a bullock merchant, and that the corporal was struck on the breast by Mr. Taylor with his open hand without receiving any injury. Mr. Macbean stated that he did not believe the charges against Mrs. Taylor ; but she was sentenced to fifteen months' imprisonment, and Mr. Taylor to eighteen months' imprisonment, for having incited their labourers to seditious manifestations, which were proved to have had no existence. Mr. Macbean said—"It does seem monstrous that such a prosecution should be permitted in a country enjoying constitutional privileges," and he added, that "Baron Ricasoli might have quashed the proceedings, but took the report of the case from others." Mr. Macbean said—

"I understand there have been cases here of conduct much worse than that imputed to Mrs. Taylor, really attended with publicity, which have been quashed or hushed up." The Article 129 in the Tuscan Code, in prescribing the penalty for seditious manifestations, contemplated their commission in a public place ; but there could have been no publicity in an island possessing in all only twenty-six inhabitants. He (Mr. Bentinck) ventured to say that the annals of courts of justice did not exhibit a more flagrant denial of justice, or a more

arbitrary exercise of power. The evidence was the most childish that was ever produced, and the prosecution was so monstrous that it amply justified the language in which it was characterized by the Foreign Secretary.

He would now proceed to refer to the seizure of the British steamer *Orwell*. As the statements made to Her Majesty's Government were not correct, he must first state to the House what the facts really were. In August, 1860, General Garibaldi, having landed in Sicily, sent one of his officers to charter a vessel in Genoa, in order to seize a Neapolitan man-of-war called the *Monarca*, whose captain had, to use an expression which would easily be understood, been "made safe." Garibaldi's officer, on arriving at Genoa, found that the British steamer *Orwell* would answer his purpose, and hired her to carry from 80 to 100 people to Sicily. Men, arms, and munitions of war were sent on board, all being supplied by a committee which was sitting at Genoa. One day, while the captain was on shore, the Garibaldian officer went down to the engine-room, held pistols to the heads of the British engineers, and put a portion of the crew in irons. One of the men, in order to escape, jumped overboard, and succeeded in reaching a neighbouring vessel. The *Orwell* was then taken to the island of Monte Cristo, which was completely sacked, a great deal of Mr. Taylor's property was carried away, and the rest was utterly destroyed. The *Orwell*, which carried the Italian national colours, was subsequently captured at Messina. Messina was in possession of Garibaldi at that moment, and an attempt was made by a General now in the Italian service to obtain the surrender of the vessel from the British authorities upon giving a guarantee that it would be employed in the national service. It would appear, therefore, that the *Orwell* at that time was considered as a vessel of war belonging to Garibaldi. Admiral Mundy, however, would not give up the ship, but ordered that she should be carried to Malta, where the persons captured were to be tried for piracy. When the ship arrived at Malta, the Governor seemed to have done all in his power to get the men released, on the ground that there was complicity between Captain Sutton and the crew. But that was proved not to have been the case on the part of Captain Sutton, who underwent a trial and was acquitted. Admiral

Codrington, then the Port Admiral, made a strong remonstrance against the attempt of the Governor to release the men, and in an admirable letter stated that not only was there an act of piracy in question, but an outrage to the British flag. Admiral Codrington said, "If this proceeding is to pass not only unpunished but even unquestioned, the consequence will be very detrimental to the security of vessels passing over the sea on their lawful vocations, and will very much damage the honour of our flag." In consequence of that remonstrance, the Governor of Malta wrote home for instructions; but the Attorney General at that time—now a noble Lord in another place—seemed to have advised the Government, on the ground of collusion, that there was no case, and that the men ought at once to be set at liberty. That advice was very incomprehensible when it was remembered that the captain had been tried on the 25th of August and acquitted. Indeed he did not know how to account for that opinion of the Attorney General, unless it was to be considered what lawyers called "a long vacation opinion," given by the Attorney General when he was anxious to get away to more agreeable pursuits. But even if there had been collusion on the part of the master, what difference did that make as far as the crew were concerned? The crew were perfectly innocent of collusion, the person who jumped overboard was perfectly innocent, and the owners were innocent. How, then, was the act of piracy got rid of? Then came the question of the attack on Monte Cristo. If any person looked into the papers, he would find that the Foreign Office, the Board of Trade, and the Admiralty, all had notice of the attack upon that island. But if there had been no act of piracy, still an act had been done for which those parties were responsible to the Government of Piedmont; and if that were so, he could not understand why the Governor of Malta did not write to the Piedmontese Government, and say that he had got the persons who had committed the wrong, and that he held them at their service. But the Piedmontese Government did not want to punish these men; on the contrary, they sent them to join Garibaldi in the Kingdom of Naples, and many of them were among the Piedmontese troops in subsequent battles. In the month of November, 1860, the question was still before the Foreign Office, and the noble Lord at the head of that department appeared to

have taken it up in the most proper spirit. In a despatch to Sir James Hudson, dated the 30th of January, 1861, the noble Lord made use of the following remarkable expressions :—

" Her Majesty's Government, relying on the sense of justice which characterizes the Sardinian Government, could have anticipated no other result. But they trust that the Sardinian Government will not stop here. Mr. Watson Taylor and his wife are, indeed, exonerated from the penal consequences to which, by a false accusation and an unjust judgment, they had become liable; but they had previously suffered, and have since been exposed to very serious pecuniary loss arising out of the harsh and unjustifiable proceedings taken against them. The property of Monte Cristo had been lawfully acquired by Mr. Watson Taylor; but he was violently ousted from it, and his goods wantonly wasted, without any sufficient cause. The Sardinian Government have expressed no regret and have offered no compensation, and yet both were due to this British subject for the grievous indignity to which he was personally subjected, and for the wantonness by which his property, when he was himself prevented from further taking care of it, was pillaged or destroyed. I have, therefore, to instruct you to bring the case formally before the Sardinian Government, and to express the confident hope of Her Majesty's Government that indemnity will be granted to Mr. Watson Taylor for the losses which he sustained by the acts of Sardinian authorities, and that a due expression of regret for what has occurred will accompany the tender of amends."

In answer to that, followed a despatch from Count Cavour, dated the 10th of February, 1861; and if he had not read that despatch, he could not have believed that any Minister of a foreign Power would have written to a Member of the British Government in such terms. He did not wish to say anything against Count Cavour—he had passed away—but the letter would speak for itself. Count Cavour said—

" Proceedings had been opened before the tribunals: they could not be suspended. Grace could not, according to our laws, be accorded until after that justice had delivered her award. Condemnation has been pronounced, and that same condemnation proves, that by his unworthy conduct Mr. Taylor had placed himself in opposition to our laws. Nevertheless, in deference to the good offices of the Queen's Government, scarcely had the decree of the tribunal been issued, when the King hastened to grant to Mr. Taylor the entire remission of the pecuniary penalty to which he had been condemned. Thus the desire which you had expressed to me was met. Subsequently to this there has been no complaint made nor step taken by Mr. Taylor."

He humbly submitted that all these allegations were contradicted by the facts. Looking to that letter, it would be seen that Count Cavour avoided the main part of the question, as to whether Mr. Taylor was to be compensated or not for the de-

struction of his property. No doubt, Count Cavour intended to avoid it, as he was himself privy to all the acts of Garibaldi, and as the Sardinian Government had given all possible encouragement to the Garibaldian volunteers. Count Cavour had really the audacity to advance a claim against a British subject on the ground of his having violated the law, at the very time when the Piedmontese Government themselves were violating the law in every direction. He did not say whether the Sardinian Government were justified in their violations of law; but this he would say, that when they themselves were acting in that way, they had no right to set up such a plea against a British subject. Such also appeared to have been the opinion of the noble Lord the Foreign Secretary, for in the 14th despatch he said—

" A further reference was made to Her Majesty's Advocate General on the subject of Mr. Watson Taylor's case, and I enclose, for your information, a copy of the reply which has been received from that officer. There are several points on which he requires more information than has yet reached him, and I have to instruct you to make me a full report of all the circumstances connected with the case. You will also inform Count Cavour that a further communication will eventually be made on behalf of Mr. Watson Taylor for compensation on account of his losses at Monte Cristo."

Then followed Mr. Macbean's report. Mr. Macbean admitted that the prosecution of Mr. Taylor was unjust, said that Mr. Taylor was right in not appearing, that the prosecution was monstrous, and that the authorities at Genoa must have seen and known of, and could have prevented, the departure of the *Orwell* had they thought proper. Another letter from the Foreign Secretary followed, in which he said—

" You will see from the copy of the Queen's Advocate's report, which I enclose, that he looks upon the transaction in a very serious light, and that he considers the manner in which the prosecution against Mr. Taylor was conducted as very far from creditable to the Italian Government. It is impossible, therefore, for Her Majesty's Government to allow the matter to rest as it now stands; but before I furnish you with final instructions as to the nature of the representations on the subject to be addressed to the Government to which you are accredited, I desire to receive any further observations which you can yourself make, and you will obtain the best legal opinion and transmit it to me at the same time."

That despatch was dated August 19, but not a paper was produced of an earlier date afterwards than the 1st of November, 1861. Under this latter date there appeared an extract of a despatch from Sir James Hudson to Earl Russell. He must draw

the attention of the House to this document, because it had been said that the Government had interfered ; they thought that Mr. Taylor had a case, but the matter was set at rest by Sir James Hudson's despatch. He thought he could prove that every statement in Sir James Hudson's despatch, as far as regards this case, was utterly unfounded. He did not wish to make any charge against Sir James Hudson, the multiplicity of whose occupations probably prevented him from looking into the facts. The despatch first of all referred to the old story of Baron Ricasoli having no power to interfere to stay the prosecution. This was shown to be a misconception by the report of Mr. Macbean. Sir James Hudson proceeded to make an apology for the public prosecutor at Elba, to the effect that he was in ignorance of what led to the charge. It was untrue and unreasonable to suppose any such thing, because the public prosecutor knew Mr. Watson Taylor's position ; and what was the use of having a Vice Consul at an island like Elba if he did not instruct the public prosecutor on such points ? Sir James Hudson referred to the opinion which had been taken of a certain advocate named Chiapuso. That opinion took up two pages of the blue-book, and no man ever wrote a long opinion without having a bad and doubtful case. The whole of this opinion, with the exception of the last paragraph, was devoted to a justification of the prosecution of Mr. Watson Taylor ; but Chiapuso founded his opinion on the alleged fact that on the 29th of April Mr. and Mrs. Watson Taylor knew of the annexation of Tuscany to Piedmont. He had, however, shown that they did not know of it at that date ; and Sir James Hudson was in possession of a letter which proved that circumstance : why, therefore, was not that letter placed before Chiapuso ? In the last paragraph of Chiapuso's opinion it was perfectly clear that he was wholly ignorant of international law. He would now proceed to Sir James Hudson's letter. Of course, the chief claim, in a pecuniary sense, on the part of Mr. Watson Taylor, respected his property in the island of Monte Cristo ; and that depended on the question whether the company on board the ship were in any way responsible for Garibaldi's acts. In answer to Earl Russell's despatch, Sir James Hudson said—

"The 'persons' on board the *Orwell* were seafaring men, mostly British subjects, picked up at

*Mr. Cavendish Bentinck*

Marseilles by Garibaldi's agents, shipped on board her by consent of the *Orwell's* owners and master, which persons ran away with her from Genoa while the master was on shore with the ship's papers (by accident) in his pocket. The *Orwell*, then under British colours, commanded by those persons, stopped at the island of Monte Cristo, and plundered and gutted Mr. Taylor's house in spite of the people in charge."

Not one of these facts was correct. In the first place, the papers before the House showed that the "persons" on board the *Orwell* were Garibaldi's Volunteers, commanded by Italian subjects. They were not British subjects, as appeared from a despatch to be found in page 23 of the blue-book. The men were all sent prisoners to Malta. That was a reason why he wished to have a list of these prisoners. They were not British subjects ; they did not sail under the British flag, but under the Italian national flag. These men, before they went on board, all signed Garibaldi's articles, and were regularly enlisted soldiers under Italian colours. Then Sir James Hudson stated that the owners of the *Orwell* subsequently made her over to Garibaldi, and that Garibaldi made her over, together with other vessels, to the Italian Government. Why, the fact was, that the *Orwell* was at present rotting in Malta harbour, and had never been given over to Garibaldi. Sir James Hudson then went on in the despatch to say, that Lord Russell having recommended the owners of the *Orwell* to his officious protection, they called on him to claim it ; and that he observed, that before entering on the consideration of their claim on the Italian Government, he (Sir James Hudson) should be glad to discuss the question of the equitable compensation due to Mr. Watson Taylor for the wanton destruction of his property by the men on board the *Orwell*.

"After some discussion," Sir James stated, "they waived the difficulty with regard to indemnifying Mr. Taylor, and asked me to communicate with him, which I declined to do, observing, that as they by their ship had occasioned the damage, they were bound to make their overtures to Mr. Taylor. . . . It is notorious that the *Orwell* was not in the service of nor recognised by the then Sardinian Government, nor were the persons on board her acting voluntarily in its behalf."

Now, he could not suppose, taking that to be a correct representation of what occurred, how the owners of the *Orwell* could be bound to compensate Mr. Taylor. But he had had an opportunity of seeing one of the gentlemen referred to by Sir James

Hudson, Mr. Stedingk, who gave quite a different account of the interview—

"Sir J. Hudson: 'What about my friend Watson Taylor? Who is to compensate him for his loss sustained at Monte Cristo?' Mr. Stedingk answered, 'The Italian Government.' Sir J. Hudson: 'No, the owners of the *Orwell*; because if they had not allowed these pirates, who ought to have been hanged, to seize the ship, they never would have gone to the Island of Monte Cristo and plundered my friend.' Mr. Stedingk: 'Your Excellency forgets that the *Orwell* was seized by force.' Sir J. Hudson: 'No, no; that I cannot admit; Pilotti and Settembrini were acquitted at Malta. Although they are pirates, you, the owners, are the responsible parties.' Mr. Stedingk: 'If your Excellency will promise, and I have no doubt you will keep your promise, you have only to name the amount due to Mr. Watson Taylor, and the same shall be added to our debt and the whole amount claimed from the Italian Government. Will your Excellency enforce the demand?' Sir J. Hudson: 'No, no; I cannot do that, for I am not authorized by the Government.'"

He hoped the Government would instruct Sir James Hudson officially in the matter of the *Orwell*, after that statement. There was another despatch of Sir James Hudson, but, like many others, it did not touch the real point, and it was only necessary to refer to the third paragraph, where it was said that Baron Ricasoli declared, with regard to the damage to Mr. Watson Taylor's house, that the British sailors on board the British steamer *Orwell* were never in the pay or under the control of the Sardinian Government. No one said that those persons were in the pay of the Sardinian Government, but it was known that they were not British subjects. About a month after that, Mr. Hammond wrote to Mr. Simon Watson Taylor—"As regards the damage done to your brother's property by the crew of the *Orwell*, Baron Ricasoli repudiates any responsibility on the part of King Victor Emmanuel's Government, for he denies that those persons ever were in the pay or under the control of, or in any way connected with, the Sardinian Government." He hoped Her Majesty's Government would show the document in which the responsibility was repudiated, because, as far as the statement was communicated by Sir James Hudson, Baron Ricasoli only referred to British subjects on board the British steamer *Orwell*; and therefore, if there were no British subjects on board the *Orwell*, Her Majesty's Government might very well renew their application. Two questions arose—first, whether or not Mr. Watson Taylor was

entitled to compensation for the unjust prosecution to which he had been subjected; and secondly, whether he was entitled to compensation for the plunder and destruction of his property by the crew of the *Orwell*. With regard to the first there might be some doubt; but according to the doctrines laid down, especially by the noble Lord, he thought it could be shown satisfactorily that Mr. Taylor was entitled to compensation. Mr. Taylor was a colonist, and under the circumstances it was the bounden duty of the Sardinian Government to order the prosecution to be withdrawn. It was no trivial injury to be condemned to imprisonment, and it was not likely the prison at Elba was much better than the Neapolitan prisons, with which the Chancellor of the Exchequer was well acquainted. As to the second point, there could be no doubt that Mr. George Watson Taylor was entitled to compensation from the Sardinian Government for the plunder and destruction of his property. Her Majesty's Government had put the claim very strongly, and had only withdrawn it upon a false representation of the facts. The people who seized the *Orwell* were regularly enlisted in Garibaldi's service. They sailed under the national flag. They were organized under General Fabrizio, and became part of Garibaldi's army; and when Garibaldi handed over the Two Sicilies to the King of Piedmont, his liabilities attached to the Sardinian Government. He believed it was a plain rule of law, that when a man accepted a gift, he took it with all the liabilities to which it was subject. It was also expressly stated in the terms of the transfer, that Sardinia received the kingdom of the Two Sicilies subject to all the debts and liabilities which attached to it. He went a step further, and asserted that if the Sardinian Government was not an accomplice before the fact to the invasion of Sicily by Garibaldi, the very acts of that Government made it liable. He was acquainted with many persons who had seen Garibaldi's Volunteers drilled by Piedmontese officers at Genoa. The Piedmontese Government allowed arms and ammunition to be sent on board the vessels prepared for the expedition, and many of the volunteers were put on board in Government boats. If the Piedmontese Government chose to shut their eyes to illegal acts, and a British subject was damaged, by every rule of international law his Government had a

right to interfere. In despatches on the affairs of Italy, the noble Lord the Foreign Secretary stated that the Piedmontese Government alleged that their efforts to prevent the expedition against Naples had failed from a want of power to control the national enthusiasm. If a foreign Government confessed their inability to prevent a gross infraction of law, and by that infraction a British subject was injured, he had a right, through his own Government, to demand compensation. Victor Emmanuel, in his celebrated proclamation to the people of Southern Italy, made use of this remarkable expression—

"Men were fighting for liberty in Italy, when General Garibaldi, a brave warrior devoted to Italy and me, flew to their rescue. I could not, and I ought not, to restrain him."

If Victor Emmanuel said he could not and ought not to restrain men springing to the aid of those who were fighting for liberty, and they plundered a British subject, the British Government had a right to say to Victor Emmanuel, "You must compensate him." But he was in possession of the clearest evidence of the complicity of the Piedmontese Government with Garibaldi in the expedition against Naples. It commenced with the seizure of two vessels at Genoa, and the Sardinian Government promised to indemnify the owners. But, more than that, it was admitted in the course of a debate in the Sardinian Parliament at Turin, on the 3rd of June, that the steamers called at the Government arsenal and received arms and ammunition, and what was admitted in the Sardinian Parliament would not be doubted in the British House of Commons. From the 4th of August Sicily was governed in the name and under the authority of Victor Emmanuel, and on the 4th of September Admiral Persano himself went to Naples with the Sardinian fleet, and landed his regiment of soldiers. Could any one therefore doubt that there was such complicity with the expedition of Garibaldi on the part of the Government of Piedmont as to entitle Mr. Taylor to insist upon compensation? In the debate on the affairs of Greece, in which the noble Lord at the head of the Government made one of the finest efforts of oratory ever heard in that House, he laid down a position which was applicable to this case, and which, as it was concurred in by the right hon. Gentleman the Chancellor of the Exchequer, his right hon. Friend the Member for the University of Cambridge, the present Lord Chief Jus-

tice of England, Vice Chancellor Sir William Page Wood, and Lord Chelmsford, was, no doubt, perfectly sound and unquestionable in point of law. On that occasion the noble Lord said—

"I say, then, that our doctrine is that, in the first instance, redress should be sought from the law courts of the country; but that in cases where redress cannot be so had—and those cases are many—to confine a British subject to that remedy only would be to deprive him of the protection which he is entitled to receive." [3 *Hansard*, cxii. 383.]

Then the noble Lord made an observation which in every respect applied to this case—

"The rights of a man depend on the merits of the particular case; and it is an abuse of argument to say that you are not to give redress to a man because in some former transaction he may have done something which is questionable. . . . Is not that a case in which a man is entitled to redress from somebody? I venture to think it is. I think that there is no civilized country where a man subjected to such grievous wrong, not to speak of insults and injuries to the members of his family, would not justly expect redress from some quarter or other. . . . The Greek Government neglected its duty, and did not pursue judicial inquiries, or institute legal prosecutions, as it might have done, for the purpose of finding out and punishing some of the culprits. . . . But, it is said, M. Pacifico should have applied to a court of law for redress. What was he to do? Was he to prosecute a mob of 500 persons? . . . Where was he to find his witnesses? Why, he and his family were hiding or flying during the pillage to avoid the personal outrages with which they were threatened." [3 *Hansard*, cxii. 394-5.]

That declaration precisely applied to the case of Mr. Taylor, and it was followed by a statement of the present Foreign Secretary, then Prime Minister, that in the case of British subjects whose property had been injured in the bombardment of Messina the Neapolitan Minister of Foreign Affairs had acquiesced in the demand made by the British Government, that compensation should be awarded for the loss of such property as had been destroyed without necessity, whether wantonly and designedly or otherwise. Under these circumstances he thought that the Government would see that in this case they had not had sufficient information. He hoped that they would institute further inquiries, and he called upon the noble Lord, who when Foreign Secretary acquired such a reputation for asserting for British subjects the rights and privileges of the ancient Roman citizen—he called upon him, now that he had arrived at the summit of political power, not to desert his own principles, but to show that he

was able to do battle with a strong enemy as well as with a weak one, and to fight against a Government which was popular, as well as against one that was essentially unpopular. A British subject was not inferior in his privileges to a Frenchman or an American, and he believed he was quoting the words of the noble Lord himself, when he said that in whatever quarter of the world he might be, an Englishman ought to be able to feel confident that the watchful eye and the strong arm of Old England would ever be ready to protect him against injustice and wrong.

**Amendment proposed,**

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copies of any Correspondence relative to the case of Mr. George Grame Watson Taylor, in which Baron Ricasoli is shown to have denied 'that the persons who committed the outrage ever were in the pay or under the control of, or in any way connected with, the then Sardinian Government,' and also such Extracts from the Instructions laid before the Queen's Advocate, between the 19th day of August 1861 and the 9th day of December in the same year, as shall suffice to show the facts which in that interval were submitted to him by Her Majesty's Government; and, of the List of Prisoners taken from on board the 'Orwell,' which is attached to Sir Gaspard Le Marchant's Despatch of the 15th day of September 1860,"

—instead thereof.

**Question proposed,** "That the words proposed to be left out stand part of the Question."

MR. BOVILL said, that in seconding the Motion he had no desire to cast any blame upon Her Majesty's Government, or upon the Secretary of State for Foreign Affairs; but he was convinced, that upon a fuller investigation, and a more complete ascertainment of the facts, the noble Lord and every Member of the Government would be convinced that a most grievous wrong had been committed. A great injury had been done and a grievous insult offered to a British subject, who, up to that hour, had not obtained the slightest redress. Mr. Watson Taylor was at the time of the proceedings complained of residing under the Sardinian law, and was therefore entitled to its protection. The proceedings in question against him were commenced in the courts of Elba, and every gentleman who had read the statement of them must have come to the conclusion that they were of a most unjus-

tifiable character. That was his (Mr. Bovill's) deliberate opinion; and he had less hesitation in giving it, because the noble Earl the Foreign Secretary and the Queen's Advocate had spoken to the same effect. Beyond that, there was the distinct admission of the Government of Turin that they were proceedings which would never have been commenced by that Government. Then how was it, he would ask, after these expressions of opinion, that no amends had been made or granted to Mr. Watson Taylor for the wrongs committed against him and his property? In what light did the Piedmontese Government view these proceedings? What was the compensation which they had offered to Mr. Taylor? Why, he had been recommended to royal clemency, and had received a free pardon. The compensation was merely this—that Mr. Watson Taylor had been relieved of all the costs to which he had rendered himself liable; and that was considered sufficient compensation for all the indignities he had suffered, and those most unjustifiable proceedings against him! In this country there was a power in the Crown to stop legal proceedings, by directing a *nolle prosequi* to be entered; and it seemed to be admitted by Baron Ricasoli that the same power was possessed by the Government of Italy. But let the House assume that the Government did not possess this power. Who were the parties who put the proceedings against Mr. Taylor into operation? Why, they were persons in the employ and pay, and acting under the orders of the Government. Then, could it be said that the Government had no power over their own officials, and could not stop those proceedings? It could not; but for some purpose or another, of the most ridiculous nature, the proceedings against Mr. Taylor were continued. He would next refer to the evidence of Mr. Consul Macbean. Consul Macbean said—

"Mr. Taylor is accused of having struck the corporal on the breast with his open hand, but without doing him any injury, and of not having yielded obedience to the corporal when ordered to deliver up the key of his oven to a servant to whom Mrs. Taylor had refused to give it. That was construed into an act of resisting the public force, and for having done so Mr. Taylor was condemned to other six months' imprisonment."

As all this is alleged to have occurred at the door of Mr. Taylor's house, which is at some distance from the soldiers' barracks, it is surprising that it did not occur to the judges that the unsolicited attend-

ance of the corporal and three soldiers, and their interference in Mr. Taylor's domestic arrangements was a piece of gratuitous impertinence, and that their conduct had been more calculated to create than to prevent disturbance. Mr. Macbean further observed—

"It does seem monstrous that such a persecution should be permitted in a country enjoying constitutional liberty."

In what way had these allegations been met? Certain statements were made that the proceedings were according to the ordinary course of law. Now, the complaint was not that they were not in the ordinary course of law, but that they ought not to have been instituted at all, and that was admitted even by the Government of Turin; but having been commenced and carried on in the tribunals established in the kingdom of Italy, the result was that the Government of that country ought to be held responsible for the freedom of a British subject, and for outrages committed by their officers on his property. That appeared to be the opinion of Her Majesty's Government. Then, what was Mr. Watson Taylor to do when he found himself in the position of an accused? Was he to subject himself to the small Court of Elba and suffer imprisonment? He adopted the only alternative open to him. He came home; but in doing so he necessarily left his property unprotected, and the result was that he had suffered serious loss. That formed the first part of his claim. On the same ground that entitled him to a free pardon, he was entitled to further compensation. The next part of his claim arose from the loss sustained by him in having had his vineyards, bullocks, and other property swept away by the party on board the *Orwell*. There was no doubt about it that those persons were in the service of Garibaldi, whatever may have been the character of those in whose hands the vessel had originally been. At the time the party on board the *Orwell* landed on the island, Tuscany had been annexed to Sardinia, and Mr. Taylor was living under the protection of the King. If the persons on board the ship, and who had enlisted under Garibaldi, were acting under the authority and with the sanction of the King, there could be no doubt of the liability of the Sardinian Government; but it was not necessary to go that length, for if those Garibaldians had enlisted in the kingdom of Sardinia, under the eyes of the King, and with his approval, and if

the King or the authorities of Sardinia had sanctioned the fitting-out of the expedition, according to international law Sardinia was responsible. And no one could doubt that the expedition was fitted out either at the instance of the King, or with his knowledge and sanction. So notorious had it been in England that Englishmen were enlisting under Garibaldi for the service of the King of Sardinia, that the matter was made the subject of discussion in that House. He could not but think that if all the information that might be procured were laid before them the responsibility of the Sardinian Government would be made clear to the law officers of the Crown; and he therefore begged to second the Motion of his hon. Friend.

MR. LAYARD said, he willingly accepted the disclaimer of the hon. Member who had made this Motion, that in bringing the subject before the House he had any wish to make observations hostile to Her Majesty's Government or was influenced by any political motive whatever. But, if that were the case, he thought some of those hon. Members who sat near his hon. Friend did not understand the object he had in view; because, whenever he said anything against the Italian Government, he was loudly cheered by those hon. Members. ["No, no!"] He did not say that there were not many hon. Members on the Opposition side who had not cheered those observations; but certainly many hon. Members near the hon. Gentleman cheered when he made any remark hostile to the Italian Government. ["No, no!"] His hon. Friend had led the House to believe that Mr. Watson Taylor was the object of some great persecution; that he had an enemy in Baron Ricasoli, an enemy in Count Cavour, an enemy in those who were with him on the island, an enemy in the Italian people, an enemy in her Majesty's Government, and enemies among those who sat on the Ministerial benches. ["No, no!"] Well, as far as he could see, the remarks of his hon. Friend led to no other conclusion; but his opinion was that there was no such ill-feeling against Mr. Watson Taylor. He was quite sure, from a perusal of the papers, that his hon. Friend could find no evidence of a hostile feeling against Mr. Taylor on the part of Baron Ricasoli or Count Cavour. And, why should there be? Mr. Taylor was an English gentleman spending money in improving an island which for centuries had

been uninhabited. He could assure the House that Her Majesty's Government, at any rate, had never viewed the question in any other light than as purely and simply a question of law. They submitted the case to the Law Officers of the Crown, and they had acted solely under their advice. His hon. Friend, he must be allowed in the first place to remark, had made some statements with respect to Sir James Hudson, which were utterly and entirely unjustifiable. He had stated for example, that Sir James Hudson in his despatch had made assertions not one word of which were founded on fact [“No, no!”], while he at the same time disclaimed the intention of saying anything offensive with respect to him. Could the hon. Gentleman, however, he should wish to know, have used any language more offensive than that assertions on which the Government at home must form their opinion were absolute misstatements? [“Hear, hear!”] The hon. Gentleman cheered; but he had expected that he would have risen in his place, and have denied that he had ever intended to make any such imputation. For his own part, he had the honour of being connected with Sir James Hudson, and he utterly repudiated the charge. It was, he must maintain, a most disgraceful charge. [“Oh, oh!”] He did not mean to cast any personal reflection on his hon. Friend; but to say that a gentleman in the high position of Sir James Hudson would send home to his Government statements that he knew to be untrue—[An hon. MEMBER: Nobody said that]—was perfectly unjustifiable. His hon. Friend, he might add, had in the speech he had made given an *ex parte* view of the case, proceeding from Mr. Watson Taylor and his friends, while he rejected the highest possible authority, that of the courts of law, and of Her Majesty's Minister, who was bound to report faithfully to his Government. Be that, however, as it might, the facts were these. Mr. Taylor inhabited this island, which he had purchased. He had spent a great deal of money upon it in building a house and in cultivating the soil. At his request guards had been placed upon it while the island belonged to Tuscany. His hon. Friend was inaccurate in his dates, for the demonstration on the union of Tuscany to the kingdom of Italy, to which he had referred, took place on the 28th of April, whereas the dispute was not till the 1st of May; consequently that dispute did not

arise out of any political differences. It appeared that the quarrel arose out of some dirty linen which Mrs. Taylor had thrown into an oven in which the soldiers wanted to bake their bread. She would not take the linen away, refused to give up the key, and the soldiers could not bake. A dispute ensued, and Mrs. Taylor made use of some strong language against Victor Emmanuel. Mr. Taylor is alleged to have struck one of the soldiers; they complained to the authorities, and the authorities commenced a prosecution. Altogether, it was a very foolish and ridiculous business; but his hon. Friend forgot, when he denounced the administration of justice in Italy, that the prosecution was under, not the Italian law, but the Tuscan Code, which they were told was the model Code for Italy. There was a trial; and even Mr. Macbean admitted that the Judge could not have done other than condemn Mr. and Mrs. Taylor. They were condemned, and sentenced to a period of imprisonment for assaulting a guard on duty. They were, however, it should be borne in mind, condemned, not under the Italian, but the Tuscan Code, which Count Cavour had not as yet been able to reform, but which he had intended to assimilate to that of Piedmont as soon as annexation took place. The Italian Government, as a constitutional Government, did not wish to appear to act illegally in the matter, and therefore felt that they could not interfere with the course of the law; but the Taylors were at the same time told, that if they were condemned, they need have no apprehension as to the results; that they would get a free pardon, and that all their expenses would be paid. What more, he would ask, could Count Cavour or Baron Ricasoli do? If the Taylors had appeared, the probability was, it was said, that they would have been acquitted, as had been the case with others who did appear before the Court. They, however, did not appear, and the consequence was, that judgment went against them by default. His tenants appeared, and were acquitted. Mr. and Mrs. Taylor were, however, condemned in default; but they immediately received a free pardon, their expenses paid, and there was an end to the matter. Now, his hon. Friend asked for the list of the passengers on board the *Orwell*, and seemed to think it comprised no British subject. [Mr. CAVERBISH BENTINCK said, he had referred to the despatch of Sir G. Le Marchant, stating that they

were not British subjects.] Well, he found among the names those of Mr. Mooney, Mr. Kelly, and Mr. Costiken, and several others of similar origin, which spoke for themselves. There were on the list eighty-five names in all, and out of those three were Italian; there were, besides, ten or twelve stokers, and most of the others were English, with the exception of one or two French. [An hon. MEMBER: There were only eighteen Englishmen.] Well, be that as it might, Mr. and Mrs. Taylor having left the island, and the *Orwell* having been taken possession of by those persons whom his hon. Friend designated Garibaldians, they went to Monte Cristo, where their first act was to disarm the troops of the King of Italy who were stationed there, and in spite of them to sack Mr. and Mrs. Taylor's house, who, if they had remained on their property, very possibly might have saved it. At any rate, he (Mr. Layard) denied that any responsibility rested with the Italian Government. He could not admit that the Italian Government were liable for the acts committed by persons who were not their subjects, who were not in their service, and who landed in the island in spite of the opposition of their officers. Mr. Taylor, however, applied to the Italian Government for compensation. What was the answer of Count Cavour? His hon. Friend said that Count Cavour had altogether refused to indemnify him for his loss. Now, that was not so. He said if Mr. Taylor had been wronged, let him bring his action before the proper tribunals, and let the case be tried. It would be time to come to the Italian Government when he had been refused justice by the courts of law which were open to him. The hon. Member had cited the case of Don Pacifico, but that was an illustration against the hon. Member. It was because Don Pacifico could not obtain a legal investigation and redress that the English Government interfered. In like manner, if a similar denial of justice could be pleaded by Mr. Taylor, the Government would also have interfered in his case. The hon. Member asked why the Italian Government did not punish the "persons" who were on board the *Orwell*, and he seemed to think it was the duty of the English Government to go to the Italian Government and say, "We have got these men, and they are at your disposal." This was the most extraordinary doctrine he had ever heard. Suppose the English Govern-

ment had got hold of a number of Frenchmen who had broken the law of France, and had said to the French Government, "These men are in our hands, and here they are for you to punish them," what would his hon. Friend have said? They all remembered what took place not long ago when it was proposed to surrender some persons who might have broken the law on the other side of the water. He believed, that if the Government of this country had acted in the manner pointed out by the hon. Member, they would have received—and they certainly would have deserved—the condemnation of that House. The hon. Member asked for the instructions given to the Law Officers of the Crown. It was not the custom for the Foreign Office to give such instructions, or to prepare a case. The practice was to submit all the statements on both sides to the Law Officers of the Crown, who thereupon gave their opinion. There were, therefore, no instructions of this kind to produce. When the *ex parte* statements of Mr. Taylor were first received, they were laid before the Queen's Advocate, who gave an opinion upon them favourable to Mr. Taylor, and condemnatory of the conduct of the Italian Government. Lord Russell thereupon wrote a despatch to the Italian Government in conformity with that opinion, to which despatch the Italian Government replied, giving their version of the case. When the proceedings on the trial were published, and all the documents were brought together, they were again placed before the Queen's Advocate, who then came to a diametrically opposite conclusion from that which he had first entertained. His deliberate opinion now was, that Mr. Taylor was not entitled to any direct interference on the part of Her Majesty's Government; that there had been no negation of justice; that the Courts had been opened to him, but that he refused to go before them; and that if he had gone to the Courts, and justice had been refused him, then was the time to come to the English Government and to ask for their interposition. The question was very simple, and he could not admit that there was the least ground for accusing the Italian Government of any injustice or unfairness to Mr. Taylor. There was no ground for supposing that the Italian Government were actuated by any hostile sentiments against Mr. Taylor. The hon. Member denied that Mr. Taylor had any feeling against Italian unity. He had offered to

*Mr. Layard*

sell the island to the Government of the King of Italy, if they wanted it, and he was, therefore, at a loss to see what grounds existed for imputing public hostility or personal feeling against Mr. Taylor on the part either of the Italian Government or any Italian statesmen. Let Mr. Taylor take proceedings in the Italian Courts ; and if he failed to obtain justice, let him come to the British Government. No British Government would refuse to support the rights of a British subject when he had been injured and refused redress.

MR. BAILLIE COCHRANE said, he could not help expressing his surprise that such a speech as the House had just heard should be delivered by any hon. Gentleman sitting on the same bench with the noble Viscount at the head of the Government. What had become of the "*Civis Romanus sum*" ?—of those grand sentiments about the protection of the *cogis* of England being thrown over a British subject whenever he was involved in a difficulty with a foreign Government. Had the House forgotten the claim made on behalf of Don Pacifico, which had excited the ridicule of a great party in that House, or the conduct of the noble Viscount when the case of Captain Macdonald was brought before the tribunals of Prussia ? It was the first time, too, that he had heard that the Government of the King of Italy was so mixed up with the Government of Her Majesty ; that any comments that might be made on the Government of Italy reflected a censure on the Government of the noble Viscount. Surely Members of that House might remark on the conduct of the Italian Government, without being told that they were making an attack on Her Majesty's Government. The hon. Gentleman had been very severe on his hon. Friend (Mr. C. Bentinck), for having, as he said, made a direct attack on Sir James Hudson. His hon. Friend, however, had said he was not prepared to attack the conduct of Sir James Hudson ; but he (Mr. B. Cochrane) was, and he must contend that whatever the private opinions of a British Minister might be, and whether he was in favour of Italian unity or not, it was his duty to act with impartiality, and carry out the distinct instructions of his Government. It was because Sir James Hudson had not carried out the instructions of Lord Russell, and had allowed his partiality for the Sardinian Government to act upon his mind, that all these diffi-

ties had fallen upon Mr. Taylor. It was important to remark that Lord Russell wrote to Sir James Hudson as follows :—

" Her Majesty's Government, relying on the sense of justice which characterizes the Sardinian Government, could have anticipated no other result. But they trust that the Sardinian Government will not stop here. Mr. Watson Taylor and his wife are, indeed, exonerated from the penal consequences to which, by a false accusation and an unjust judgment, they had become liable ; but they had previously suffered and have since been exposed to very serious pecuniary loss, arising out of the harsh and unjustifiable proceedings taken against them."

It appeared, therefore, that the pecuniary loss was caused by the conduct of the Garibaldians. In a despatch from Sir James Hudson to Count Cavour of the 2nd of February the following passage occurred :—

" With reference to the communication from the Keeper of the Seals, under date of the 6th of January last, informing me that a free pardon had been granted to Mr. and Mrs. Watson Taylor, of the island of Monte Cristo, in respect of certain legal proceedings taken against them by the Sardinian authorities, I am instructed by Her Majesty's Government to express their confident hope that the Sardinian Government will grant indemnity to Mr. Taylor for the losses which, in consequence, he has sustained."

Did that language express the views of Lord Russell ?—and if so, could it be supposed, that if Sir James Hudson had read the despatch of the noble Lord to Count Cavour, the proceedings against Mr. and Mrs. Taylor would have been persevered in ? But Sir James Hudson had not read the noble Lord's despatch to Count Cavour. Indeed, there was a very prevalent opinion among many persons in this country that Sir James Hudson had taken a part with respect to Italian affairs in general in which he was not justified. This case of Mr. Taylor seemed to afford another instance of the "moral support" doctrine. The noble Lord began admirably, and quoted the opinions of the Queen's Advocate ; but though the case had not altered, he turned round in the end, and said, " We will not do anything in support of Mr. Taylor." He trusted the opinions which had been expressed in that House would induce the noble Lord to take further steps with a view to obtain justice.

THE CHANCELLOR OF THE EXCHEQUER : Sir, it is quite natural for the House of Commons to engage in discussing cases of this kind, which do not derive their importance so much from what has happened to an individual as from their bearing upon international rela-

tions. The object of my hon. Friend (Mr. O. Bentinck), as I understand it, is not to press the particular Motion, inasmuch as the Foreign Office have no papers upon the question which they have not presented, but rather to urge the propriety of further intervention on the part of the British Government in favour of Mr. Watson Taylor. Now, I beg the House—that part of it at least which consists of impartial observers—to consider how this matter stands; so far as regards the British Government. It is perfectly plain and undeniable from the papers before the House, that the first reception of this case by Her Majesty's Government did not indicate any indisposition on their part to interfere with the Italian Government in behalf of Mr. Watson Taylor. On the contrary, in the first despatch of Lord Russell he stated strongly, upon such knowledge as he then possessed, a view which leant materially towards the side of Mr. Watson Taylor. I refer to that fact now, because it is important when you consider what followed, and also the course which the noble Lord is now invited to take—it shows that the disposition of the Foreign Office to act fairly and openly on a belief in the claims of Mr. Watson Taylor. The case was stated to the Italian Government on the representation of Mr. Watson Taylor. Now, the answer which the Italian Government gave to the representations made to them on the subject was that an investigation had been prosecuted by the proper authority. The facts of the case had been sifted to the bottom by the British Minister, as far as his powers enabled him to do so; he is the organ of the Government, he made his report to the Foreign Secretary, and Earl Russell having received that report, declared upon his judgment that the explanations and assurances given by Baron Ricasoli appeared to Her Majesty's Government to bring the matter to a satisfactory termination. He likewise caused Mr. Watson Taylor's brother to be informed that after full consideration of the facts of the case he had come to the conclusion that it was not in the power of the Government to interfere further. Therefore I wish to point out to my hon. Friend that what he is doing is this—he not only asks the Foreign Minister to interfere after he has given his opinion that further interference is impracticable; but he is likewise urging that interference in the case of a foreign Minister who has

proved that he had every disposition to push Mr. Watson Taylor's case to the greatest possible extent. That is the case which I wish to put to the dispassionate Members of this House. Now, this discussion is, in the main, really an attack upon Sir James Hudson, and it would, in my opinion, be far better that it had been so called. Here is our Minister in Italy officially instructed to examine the question; he has examined it, and has given his opinion upon it. And what does my hon. Friend say? That the statement of Sir James Hudson, so far as regards this case, is utterly unfounded in fact. Surely, then, it is vain to deny that Sir James Hudson's position is mainly involved in this matter; for if it were attributed to a man in his position that he had sent home as his report a document full of statements which he is unable fully to substantiate, then he is utterly unworthy to retain a place which he has for so many years occupied with the warm and constant approval of his countrymen. But no one in the House who knows anything of Sir James Hudson will believe for one moment that his character requires vindication from such a charge. But the hon. Gentleman who spoke last does not deny that he makes an attack upon Sir James Hudson. But here are the papers—no garbled extracts, but all the papers which the Foreign Office possesses, and what does my hon. Friend do? He rejects, as of no authority, whatever is against his view of the case, and whatever is in his favour he treats as gospel. The findings of the Italian Courts, in direct conformity with Italian law, he entirely passes by, and then the high authority, the solemn verdict of Sir James Hudson he declares to be totally unfounded in fact. Well, are those grounds, statements, and arguments which this House will recognise and adopt? Will it throw overboard all those papers except so far as they suit the purposes of my hon. Friend? If so, new principles must be adopted in the conduct of our Foreign relations—new principles must be introduced into the law and courtesy of nations, if my hon. Friend is to have his way. My hon. Friend's great complaint is that the Italian Government did not interfere to quash the proceedings against Mr. Taylor, and he asks Her Majesty's Government to make further representations on the subject. I must confess I am a little surprised at the facility, not to say the levity, with which this recommen-

dation is given. Perhaps it is a case in which, like the hon. and learned Gentleman, the Member for Guildford (Mr. Bovill), he thinks it right to apply a principle of English law to the state of foreign countries ; that, because in this country the Crown has the power of stopping a criminal prosecution, therefore the Crown in other countries should have the same power. In this country it may be safe that the Crown should have such a power ; but it appears to me, that except in a country where the whole system of judicial procedure is thoroughly understood, and well established by long usage in the opinions of the people, the power of the executive Government to stop criminal proceedings would be most pernicious. But when interference on the part of the executive Government of Italy with the course of justice is recommended, why, let me ask, has there been a revolution in Italy ; why have there been demands for Italian unity ; and why have the Italians forgotten their municipal prejudices and traditions, and struggled heart and soul to found one single national body, unless it were because for generations the law had been trampled on by every Government that had existed in that country ? The purpose for which the present Italian Government was called into existence was that they might set an example of respect for the law, and lay the foundations of judicial independence. Deeply regretting Mr. Taylor's sufferings, I am bound to say that he does not stand altogether *rectus in curia*. When called on to interfere with the independent action of a foreign Government, we must look and see whether our case is really so complete, and whether we can approach that foreign Government in all the panoply of reason and justice. Mr. Watson Taylor had the misfortune to live on Italian territory in times of revolution, and in those times there is one claim which both parties in the struggle have to make on foreigners within the territory, and that is a claim for the observance of ordinary prudence and caution. Now, if any one refers to page 7 of the Parliamentary Papers, enumerating propositions found to be proved before the Court at Elba, he will see that Mr. and Mrs. Watson Taylor both failed in this respect. The language, which was not denied in the Court to have been used, and the gestures employed to give additional force to it, showed a very great want of prudence on the part of both those persons. His hon. Friend forgot that Mr.

Taylor did not appear in Court, and the Court was obliged to decide upon the propositions submitted to it. However, the executive Government in Italy did interfere at the very first moment they could by granting a free pardon, which was followed by a full recompense for the costs to which Mr. Taylor had rendered himself liable. Therefore it is not possible to find grounds in that case for urging the Government to further interference. The hon. and learned Member for Guildford, seeing that the case laid before the House was insufficient for the purpose, took a totally distinct ground, and said that these proceedings were condemned by the Italian Government themselves, and therefore they were bound to give compensation. But the hon. and learned Gentleman was mistaken in respect to what was done by the Italian Government, for Baron Ricasoli said that the process being one of criminal law, all interference on the part of the Government was impossible. The reasonable construction of the words used is, that Baron Ricasoli, taking much the same view of the proceedings as the Foreign Office, thought that though there was much to complain of in the conduct of the gentleman and lady, there was yet nothing to justify the infliction of so serious a sentence as was pronounced, and accordingly that sentence was not carried into execution. But that concession did not amount to a condemnation of the judicial proceedings, which were strictly legal in themselves, so as to give a title to compensation. The case of the *Orwell* must be carefully separated from the other part of the proceedings, though it is desired to connect them by asserting that the prejudice known to exist on the part of the Italian Government against Mr. Taylor encouraged persons to destroy his property in his absence. That, however, is a gratuitous assertion, for which there is no proof in the papers on the table. With respect to the *Orwell*, three distinct claims for compensation are set up. One is that the *Orwell* sailed under the Italian flag ; but that assertion is totally destitute of foundation, as Consal Macbean, a favourite witness with my hon. Friend, describes this vessel, when engaged in this operation, as being the British steamer *Orwell*. Sir James Hudson goes directly to the point in his official despatches, and states that the *Orwell*, when it stopped at Monte Cristo, was under British colours. But then it is said that the omission on the part of the Italian Government to take

precautions for the protection of this property gave a title to compensation. But would it be contended that when a piratical or semi-piratical expedition is fitted out, or an unauthorized military expedition undertaken, the country is to be responsible for the acts committed on the part of that expedition? That is a doctrine the application of which would be inconvenient to all Governments, and not the least to the English Government, and is not warranted by any authority or principle of international law. It is likewise said that the Italian Government is responsible because of their connection with Garibaldi. But that seems a very fine-drawn argument. It is strange to contend that because the result of a long series of events was a revolution, which Garibaldi had a share in fomenting, and which led to the annexation of certain territories to the Italian Crown, therefore the Italian Government must be responsible for what a lawless body of men did upon landing at Monte Cristo on their way from Genoa. My hon. Friend was mistaken in saying that there is not a word in Count Cavour's despatch bearing on the case of the *Orwell*; for Count Cavour states, with distinctness—

"I am not aware if Mr. Taylor has suffered losses which he did not bring upon himself, and which were not consequent upon the facts which the tribunal has established as chargeable to him; but upon every hypothesis, if he can draw up legitimate reclamations, diplomatic intervention could only take place, it appears to me, when all justice shall have been refused him by competent authority; whereas the tribunals are open to him, and if he has been condemned when he merited to be so, Mr. Taylor may be equally sure that the rights which may belong to him shall not be disregarded."

That principle completely covers the case of the *Orwell*. Taking, then, the case of Mr. Watson Taylor in the point of view most favourable to himself, I put it with confidence to the House that it is his duty to exhaust the remedies which the Italian law may offer against the owners of the *Orwell*, or any other parties, before his claim can legitimately become the subject of any diplomatic interference. On these grounds I hold that the Government ought not to be urged; or, as the Scotch very expressly say, concussed, into further action on this subject.

Mr. KINGLAKE said, that the right hon. Gentleman the Chancellor of the Exchequer had undertaken to address himself especially to the dispassionate portion of the House—of that portion of the House he humbly claimed to be one—

*The Chancellor of the Exchequer*

but he was a little amazed at finding that the very moment the right hon. Gentleman had uttered that sentence he proceeded to appeal, not, perhaps, to what could strictly be called a passion, but to one of the strongest feelings of Englishmen—namely, the sentiment which always induced them to look favourably upon the conduct of an absent man. The right hon. Gentleman had studiously endeavoured to put forward Sir James Hudson in such a way as to make him intercept the justice of the House. He had himself read this paper with care, and ventured to think, that if "the dispassionate portion of the House" gave full attention to this case, the view it would take would not be that urged upon it by the Chancellor of the Exchequer, but the view so ably submitted by the hon. Member for Taunton (Mr. C. Bentinck). In like manner the Under Secretary of State (Mr. Layard), began by speaking in very strong terms of the conduct of a portion of the House in cheering some sentences that fell from the hon. Member for Taunton, charging them with exhibiting a bitter feeling of animosity against the Government of Sardinia. Could anything be more unfair than such a taunt? The hon. Member for Taunton, having undertaken to show that Mr. Watson Taylor had been ill-used by the Sardinian Government, made some observations tending to make out his case, when those who agreed with him naturally cheered him, and then they were told from the Treasury Bench that their cheers indicated their malignant animosity towards a foreign Government. At the outset of his speech the Under Secretary of State also said that this was a mere dry question of law, and yet before a minute had elapsed he wrought himself up into a state of effervescence and animation hardly in keeping with that intimation. There were, no doubt, legal questions involved in this subject; but it also involved questions of deep interest to all public men, and he ventured to say that in the whole of the Session they had hardly had a matter before them of greater importance, or one more deserving their careful attention.

Both the Under Secretary of State and the Chancellor of the Exchequer had thought proper to echo the opinion given by the late Count Cavour—namely, that whatever wrongs Mr. Watson Taylor might have suffered, his duty was to have recourse to the ordinary tribunals of the

country. ["Hear, hear!"] An hon. Gentleman cried "Hear, hear;" but he said that to tell Mr. Watson Taylor, in the very height of the Garibaldi fever, that he was to have recourse to the ordinary tribunals of the country — that he was to institute a suit of "Taylor v. Settembrini," or of "Taylor v. Garibaldi," without the prospect of anything like a practical result, was a mere mockery. He acknowledged that there were some solemn mockeries in the world, in deference to which a man might be obliged to go without his rights; but the question was whether the circumstances of this case were such that Her Majesty's Government were entitled to leave Mr. Watson Taylor to find what remedies he could from the Courts of the Italian State. Whatever difference of opinion there might be upon the mode of applying the principle by which questions of this kind were to be decided, he conceived that on the principle itself they would all pretty much agree. If a British subject, while travelling or residing in another European country, sustained an injury at the hands of any private citizens of that foreign State, and if at the time the tribunals of that State were going on in their ordinary routine, then the accepted usage required our Government to presume that those tribunals would do justice. But if they found the foreign country in an exceptional state, with its courts of judicature dislocated and its routine of business broken up, and that from political causes, then the ordinary presumption which threw them upon the courts of law failed to take effect. Moreover, if the wrong done was not merely done by the private citizen of a foreign country, but done, as happened in this instance, by reason of the neglect or connivance, or by the participation, of the Government, then there could be no question that they would not send a man to the tribunals to bring his suit against the citizen, but they appealed at once from Government to Government. He maintained that exactly the kind of dislocation which he had described had occurred in this case, and that fact had been practically admitted even by those who relied on the Italian view of the matter. What they said was, that by the Tuscan code it was the custom for the judges to deliver sentence of imprisonment against any person guilty of charges such as those brought against Mr. Watson Taylor. Then they said

that there was a dispensing power—and of course, where there was a code of such severity there must be a dispensing power in the chief of the State—that dispensing power had been vested in the Grand Duke of Tuscany; and it was said that it did not pass to the King of Sardinia when he succeeded the Grand Duke. It was therefore asserted, that, owing to the complexity occasioned by the Tuscan law being applicable in the first place, and then there being a failure in respect to the power of dispensation, there was absolutely no power in the Sardinian Government to remit or stop these proceedings. That was the view taken by those who sustained the acts of the Italian Government. But he undertook to say, upon authority which no one on the Treasury Bench would be able to dispute, that the countries in which these transactions took place were not in a state to which the usual rule of paying deference to the ordinary tribunals would be properly applicable. Now, it so happened—although the Under Secretary for Foreign Affairs might not have seen the despatch, which did not appear among these papers—that that hon. Gentleman's chief had, in his own terse and striking way, adverted to the state of things then prevailing in Italy. It would conduce to the right understanding of this case if he were permitted to read a portion of the very short despatch addressed by Lord Russell on the 21st January, 1861, to Sir James Hudson. The noble Lord wrote—

"I have not taken any official notice of the decrees you sent me, annexing, not to Sardinia, but to the Italian State, Naples, Sicily, Umbria, and the Marches. In fact, the votes by universal suffrage which have taken place in those kingdoms and provinces appear to Her Majesty's Government to have little validity. These votes are nothing more than a formality following upon acts of popular insurrection or successful invasion, or upon treaties, and do not in themselves imply any independent exercise of the will of the nation in whose name they are given. Should, however, the deliberate act of the representatives of the several Italian States who are to meet on the 18th of February, constitute those States into one State, in the form of a Constitutional Monarchy, a new question will arise. When the formation of this State shall be announced to Her Majesty, it is to be hoped that the Government of the King will be able to show that the new monarchy has been created in pursuance of the deliberate wishes of the people of Italy, and that it has all the attributes of a Government prepared to maintain order within, and the relations of peace and amity without. The obligations of the various States of Europe towards each other, the validity of the treaties which fix the territorial circumscription of each State, and the duty of acting in a friendly manner towards all its neighbours with

whom it is not at war—these are the general ties which bind the States of Europe together, and which prevent the suspicion, distrust, and discord that might otherwise deprive peace of all that makes it happy and secure. . . . After the troubles of the last few years Europe has a right to expect that the Italian kingdom shall not be a new source of dissension and alarm."

The House, he thought, by this time knew that Mr. Watson Taylor was, in his absence, brought to trial for not having found out in whose territories he was living and who was his Sovereign ; and any one who looked at that despatch must have seen that the noble Lord the Foreign Secretary knew no more than Mr. Watson Taylor. The story was, that by the mysterious power of a *plébiscite* the island of Monte Cristo had in some strange way passed under the dominion of Victor Emmanuel, and that for speaking some things uncivil to him, Mr. Taylor was to be tried by the Tuscan law. Well, but if the *plébiscite* were proclaimed there, they had it on the statement of the noble Lord that the *plébiscite* was nothing at all ; and if Mr. Taylor had applied to the noble Lord, and asked on whose territory he was living, the noble Lord would have told him that it was very uncertain, and he was anxiously looking forward to some future time when peace might be re-established in Italy, and when in that normal state of quiet and repose he might be justified in appealing to the ordinary laws of the country. Both speakers from the Ministerial Bench—the Chancellor of the Exchequer, and the Under Secretary—had committed themselves to the principle ; although he did not think the noble Lord at the head of the Government would say that Mr. Watson Taylor ought to have been left to the mercy of the Italian tribunals. He had never been one of those who approved the language constantly used by the hon. and learned Member for Dundalk (Sir George Bowyer), who accused the Italian Government of being a piratical State. Such language gave needless offence to those to whom it was addressed, and it was clearly irrelevant, because the King of Italy in all these transactions never professed to be acting legally. He always appealed to principles above all law. The King of Italy admitted that international law prevented him from invading the State of his neighbour unless he was at war with him ; but he said, so violent was the desire of the neighbouring provinces to become united to his territories that he could not prevent or resist it, and therefore on prin-

ciples largely sympathized with in this country, he was obliged to act in the way he had done. Well, but if the King of Sardinia could set up this plea of magnificent lawlessness, was his Minister to be listened to when he turned round upon upon an English subject who asked for redress, and met him by a legal quibble, saying that he was so bound and fettered by ties of law and legality that he really dare not and could not give him relief ? He would not cast blame on Count Cavour, who was no longer with us, but any Minister was to blame who used or countenanced that language. The spoliation of Mr. Taylor's property took place under circumstances which necessarily incriminated the Italian Government. What were the facts ? The *Orwell* was hired for the purpose of carrying reinforcements to Garibaldi, who had already effected a lodgment on the coast of Sicily. The Italian Government was not taken by surprise. The vessel lay for eight days in the port of Genoa, and Consul Macbean said that during the whole of that period she was used as a dépôt for the assemblage of recruits and the reception of arms. At the end of that period the passengers, as they were called, who were on board, turned out to be foreigners, eighty-five in number, acting under the command of Pilotti and Settembrini. A question was made, as to whether these people were British subjects or not. There seemed to have been a little misunderstanding. So far as he could gather, by reference to the lists of the passengers furnished at Malta, there appeared to be seventeen Englishmen, seventeen Italians, and that the rest were foreigners belonging to other countries ; but the paper for which the hon. Member for Taunton had moved, was one which Sir Gaspard le Marchant had forwarded to the Government, and in which it was stated that none of these persons were British subjects. What actually occurred was this—when the Captain had gone ashore, Pilotti and Settembrini went to the first engineer and ordered him to steam ahead. The engineer said he could not and would not do so without the orders of his captain. They said he should. He still refused. They took out a revolver, and gave him to understand, that if he did not do as he was bid, his life would be sacrificed ; and to show how little doubt there was as to the intention with which these words were used, one of the men, in order to escape from the violence which was

applied to the English crew, jumped overboard, and saved his life by getting to another English vessel. Whether or not irons were used, there was clear proof that actual force was put on the crew in order to make them move from Genoa. Of course, it was for the time a piratical vessel, controlled upon the waters by men who had lawlessly laid their hands on it by putting force on English subjects. That was the character in which the vessel reached the coast of Monte Cristo. The first persons found there were soldiers in the allegiance of the King of Sardinia. Well, if the King of Sardinia was acting in the spirit described by the Under Secretary, they might expect there would be either resistance or protest on the part of the loyal soldiers of this loyal King; but there was nothing of the kind. According to the only statement they had, describing the actual interview between these persons and the troops, the passengers, as they were called, were well received by King Victor Emmanuel's soldiers. As Consul Macbean stated, the vessel armed and provided as described, sailed from the port of Genoa, after being there eight days—Mr. Macbean's expression was, that the authorities of the port must have seen what was going on—and the vessel landed its men on the island under circumstances which brought them a good and kindly reception from the troops of the King of Sardinia. It appeared to him, therefore, that even if there had been no sort of complicity on the part of the Italian Government, there would still be that kind of neglect which would render the Italian Government responsible. Victor Emmanuel was proclaimed King of Italy by General Garibaldi, and General Garibaldi was the commander of the expedition of which this gang of men formed part. The King of Sardinia having accepted the crown of Italy from General Garibaldi, how could he turn round and say, when the rights of English subjects were interfered with by the expedition from Genoa, "I really know nothing of the people who have chosen so to associate themselves with General Garibaldi?" The man who put forward such a plea displayed an assurance which ought to be met by indignant remonstrance on the part of any Minister to whom it was addressed. The Chancellor of the Exchequer had entirely misunderstood the object of the hon. Member for Taunton (Mr. C. Benét). He had spoken as if it were the

object of the hon. Member to set aside altogether the opinion of the Queen's Advocate as a thing utterly worthless in point of law. No such idea, he was sure, ever entered the head of the hon. Member for Taunton. For his own part, he had the happiness of knowing the Queen's Advocate; and he had such an opinion of his judgment, that if he could only be sure that he had the facts before him, he should be satisfied with his decision. But the question was, whether the facts were truly and faithfully submitted to the Queen's Advocate. Of course, all the necessary steps were taken for obtaining from him a perfectly fair opinion; but the selection of the papers which were to be sent to a lawyer in order to get his report, was not a matter which necessarily fell within the cognizance of any person so highly placed that the House would have the least curiosity even to know his name; and it was manifest, from the published documents, that the change of opinion which took place between September and November was produced by an erroneous statement of the facts. In September, 1861, Her Majesty's Government stated that the affair was one which wore a very serious complexion, and they instructed Sir James Hudson to ascertain all the facts which were necessary for getting at the truth, asking him at the same time to state his own view. Not a single word had been said accounting for the strange delay which occurred between September and November, a period approaching to something like three months, the question being one which involved the rights of British subjects. At length there did come a despatch from Sir James Hudson; and although the Chancellor of the Exchequer had thought fit to put forward a defence for Sir James Hudson in a somewhat triumphant tone, yet it was quite evident that Sir James himself felt that, owing perhaps to the multiplicity of affairs which then invited his attention, he had been neglecting this business. If the maxim that he who excused himself accused himself were true, there was a sentence in his despatch which showed that Sir James Hudson was conscious of not having paid sufficient attention to the claim of Mr. Taylor. Sir James stated, however, that he made three applications to Count Cavour, Count Cavour denied that statement. When two gentlemen made different allegations as to a matter of fact, one, of course, sought for some supposition which

would tend as far as possible to reconcile their views. As Sir James Hudson said that he made three applications, we knew it was an absolute fact that he must have done so; but we must also infer from the counter statement of Count Cavour, that he made those representations so feebly and ineffectually that he really produced no sort of impression on the mind of the Sardinian Minister. Sir James Hudson, in somewhat strange language, sought in his despatch to find excuses for the judges who condemned Mr. and Mrs. Watson Taylor to a long imprisonment. He said we ought to remember that they were men acting at a time of great excitement—at a period when, as he expressed it, the fate of Italy was trembling in the balance. If those judges were prisoners at the bar, being tried, as they should be tried, for having listened to the most trumpery statements ever submitted to any tribunal, and for having ventured upon such evidence to pronounce a severe sentence upon English subjects, then he admitted that the excuse put forward by Sir James Hudson would be a fair one; but was that kind of language a fit pretence to advance as intercepting the rights of English subjects, or was it a proper thing to say that, because the judges were in such a state of excitement that their judgment was disturbed, therefore the demand for redress should be refused? He had remarked, ever since the commencement of these Italian questions, that Her Majesty's Government had met with very little attention in any of the representations which from time to time they had thought proper to make to the Italian Government. It was impossible to forget the way in which their remonstrances were met when they told the King of Italy that his ancestors had received certain provinces for purposes which were not of such a kind as to justify the transfer of those provinces to another State. They were met, he recollects well, by polite evasion; and again in this case, when the representations were first made by Sir James Hudson to Count Cavour, they were received with the same kind of polite contempt. His hon. Friend the Member for Liskeard (Mr. Bernal Osborne) observed the other day, that the kingdom of Italy was used by our Government for giving the go-by to all kinds of home questions. According to the view of his hon. Friend, we were to have no reform, no economy, none of the objects on which hon. Gentlemen in his

part of the House were most accustomed to insist, on account of the kingdom of Italy; and no doubt it was true that the pretensions of the King of Italy did keep Europe in such a state of tension as greatly to increase the armaments, not only of England, but also of most of the other States of Europe. So far as he knew, that had been submitted to without a murmur on the part of the people of this country; but he thought they would not be quite content to know that this perpetual kingdom of Italy was to be put forward as a ground, not merely for intercepting other questions, but for depriving English subjects of rights to which they would otherwise be entitled. The noble Lord at the head of the Government had honourably and nobly connected his name with the most strenuous assertion of the rights of British subjects. He had put forward the claims of British subjects with so much spirit and force as to obtain the applause of men of all parties in this country, and he had done so, moreover, with a degree of resolution which had brought him almost to the verge of what foreign nations would endure when the rights of individuals were pressed on their attention. There could be no doubt that this pressure had been endured by foreign States, because they had observed that, upon the whole, claims of this kind were always put forward by the English Government in a spirit of fairness and justice. But he could conceive nothing more intolerable, nothing more prejudicial to the interests of England, than that the advocacy of claims such as that under discussion should be tainted, or even seem to be tainted, with the slightest tinge of partiality. It would, in his opinion, be most disgraceful to this country if it should appear that the wrong which one State might have done a British subject should be held up for the reprobation of Europe, while the wrong done by another and more favoured State was allowed to pass unnoticed. He was, so far as he was concerned, perfectly willing to be bound by the opinion of the Queen's Advocate, desiring simply that he should be better informed of the case than he would have been if he had relied simply on the last despatch of Sir James Hudson, or the opinion of an Italian advocate.

THE SOLICITOR GENERAL said, that if the object of the hon. Gentleman who had just sat down had been to with-

draw the attention of the House from the real question at issue, he could not have done so more successfully than in the able and eloquent speech which he had just delivered. He had dilated upon the general character of the Italian revolution ; he had commented on the observations of Earl Russell with respect to the annexation of kingdoms by means of universal suffrage ; nor had he omitted to allude to the cession of Savoy and Nice, or to those occurrences in Italy which he supposed conduced to the present unsettled state of Europe. The hon. Gentleman had, in short, introduced into his speech every consideration of a general political character which it was possible in any way to connect with the question before the House. He trusted, therefore, hon. Members would pardon him if he asked them again to turn their attention to the real question at issue, which was of a very simple character, the point involved in it being whether the Government of this country had done their duty, and acted on those principles on which they ought to have proceeded, in conducting the communications with the Italian Government on the subject of Mr. Watson Taylor's claims. He quite concurred, he might observe, with his hon. Friend in the opinion, that while it was the pride of England to see justice done to her subjects according to the strict rules of international law, it would be a great blemish on her escutcheon if the advocacy of their claims were managed in such a way as to evince the slightest taint of partiality. In the present instance, however, there was no room for any such charge. The course taken by the Government was the simple and ordinary course pursued under similar circumstances in dealing with every country in the world. It first of all expressed an anxious desire to protect a British subject, who, at the first blush, appeared to have suffered wrong. It had obtained information on the subject from its representative at the Court of that country under whose jurisdiction that wrong was alleged to have been committed ; it had necessarily given credence to the facts as stated by its accredited Ministers ; and it had from time to time submitted the communications received from them to the law adviser whom it was usual to consult in those circumstances. Of that adviser, his learned Friend the Queen's Advocate, he might speak with the more freedom because he was not present, and he would venture to say that no Government had

ever yet been served by an officer who was more zealous or ardent in the cause of justice, or less disposed to recommend acquiescence in a wrong done by any foreign Power whatever to a British subject. All who knew the value of the great services which had now for a considerable number of years been rendered by his learned Friend would, he felt assured, at once concur in that opinion ; while, with respect to the facts on which he had been asked to advise, he must express his astonishment that his hon. Friend the Member for Bridgwater (Mr. Kinglake) was not better informed than he appeared to be as to the course which our Government was in the habit of taking in dealing with such circumstances. They did not select particular despatches to send to their law adviser. They made him acquainted with all the information on the matter which they themselves possessed ; and his hon. Friend would find that Earl Russell, in writing to Sir James Hudson on the 19th of August, 1861, said—

" You will perceive, from a copy of the Queen's Advocate's report which I enclose, that he looks upon this question in a very serious light, and considers that the manner in which the prosecution against the Taylors was conducted was very far from creditable to the Italian Government." Such was the impression which had been left on the noble Earl's mind by the papers which had arrived up to that date. Further papers, however, threw further light on the subject, and he would, with the permission of the House, recapitulate briefly the simple facts of a very simple case. Every hon. Member was, no doubt, disposed to pity Mr. Taylor very much. He had suffered a considerable loss, which, so far as he could see, he did not at all deserve ; and if compensation could properly be made him, no doubt every hon. Member would be glad to effect that object. The House, in dealing with the question, must, however, proceed on wider principles than sympathy with an individual, when a question arose between two Governments requiring for its proper solution an appeal to the uniform principles established by the law of nations. Now, to revert to the facts of the case, he might state that two reports had been made by the head of the guard at Monte Cristo to the law officer of the Italian Crown, the Procureur Royal, at Porto Ferrajo. These reports were of such a character that he conceived it to be his official duty to commence a criminal action in a court of law against the accused persons. The charges made

against them were twofold ; first, that of having offered resistance to an authorized force, and next that of having made use of seditious language. Now, it was contended by his hon. Friend behind him—and he confessed he was astonished at the circumstance—that those charges having been made, we might, owing to the state of affairs in Tuscany, have set aside the rule in accordance with which it was admitted on all sides we ought to act under ordinary circumstances—that the administration of justice in any country must be allowed to take its regular course, unless it could be shown to be perverted by the interference of the Government, or unless some monstrous departure from recognised principles, in which no State could be expected to acquiesce, were involved. When an hon. Member started with the premiss that the dominions of the King of Sardinia were in a state of anarchy, and that in their case all ordinary rules might therefore be set aside, it was easy to draw from it the conclusion at which his hon. Friend seemed to have arrived. But a premiss more monstrous or extravagant, as founded upon the actual state of things in Tuscany or Sardinia, it was impossible to conceive. The law was there duly administered by regularly constituted tribunals, and there was no evidence that private individuals were in any way prevented from having the benefit of the law. Indeed, if the Government of this country had declined to treat Tuscany and Sardinia as governed by law, they would have displayed a partiality against the independence of Italy such as he would venture to say had never before been exhibited. The fact was that it was so governed, and that it was our bounden duty to apply to its case the ordinary principles of international law. That being so, the question at issue was, as he had said before, a very simple one. Let him suppose that in this country an Italian were to resist to-morrow a policeman in the execution of his duty—would anybody contend that it was not competent for the Government to institute proceedings against him before the proper tribunal ? If, he might add, he did not choose to appear before that tribunal and defend himself in the ordinary way, would it not be his own fault if he was subjected to the usual penalty ? Yet such was the case of Mr. Taylor. The substance of the charge was proved, to the satisfaction of the court, by the evidence of witnesses ; and a judgment not alleged to be

contrary to the law of the country was pronounced. He was utterly astonished when he was told that, in accordance with the principles of international law, they could say that the Government of Sardinia had committed a wrong because a public prosecution was instituted against an Englishman for resistance to the Government, and for seditious proceedings. He would grant that the case was most trumpery, and, he had no doubt, that the evidence in some particulars was not true ; but what of that ? Mr. Taylor allowed judgment to pass against him by default, and the sentence was one which was warranted, according to the code of the country, by the charge and the evidence. He heard with surprise imputations, not only against the judgment of Sir James Hudson, but against his good faith. Anything more ungenerous or more unjust was never known. There was no trace of insincerity in Sir James Hudson's conduct, or of anything except a sincere desire to serve Mr. Taylor to the best of his ability. On three occasions Sir James Hudson wrote to Florence to request that the prosecution should be dropped, and Sir James Hudson told them what he believed, and he thought the House might give credit to his information, that in point of fact, when once the machinery of the law was set in motion, there was no arbitrary power in the Government to stop it. Baron Riccasoli was simply the representative of the executive Government, and, according to the forms of the Constitution of Sardinia, he had no power of interference with judicial proceedings ; yet in the face of that statement, supported by the opinion of a Sardinian lawyer, not suggested to be either incapable or dishonest, the hon. and learned Member for Guildford (Mr. Bovill), who must have known better, talked about a *nolle prosequi*. The hon. and learned Gentleman seemed to require that the Sardinian constitution should give the same power to the public prosecutor which in England the Attorney General possessed. [Sir GEORGE BOWYER : It does.] His hon. and learned Friend might understand Italian law very well, but he preferred, for the present purpose, taking the statement he found in the papers on the table of the House. The answer was that such a power did not exist ; and was England, therefore, to set all international law at defiance, and to make it a *casus belli* against the King of Italy, if such a power was wanting ?

But if the power existed, was the Sardinian Minister bound to exercise it? What should we say, supposing a prosecution were instituted against a foreigner, and he did not take the trouble to appear, and his Government required us to enter a *nolle prosequi*? Why, we should say that we had never heard of such a demand before, and we hoped we never should again. The Sardinian Government did all that they could. The matter was over, and a severe and harsh sentence had been pronounced. But upon representations being made to them they remitted the whole of the punishment, and caused all the costs to be paid by the prosecution. With regard to the *Orwell*, it was even a plainer and more simple case. She was a British ship sailing under British colours, and manned chiefly by British sailors. She was seized—whether by collusion, or otherwise, was for this purpose unimportant—at Genoa by persons who intended to join the expedition to Sicily, then under the conduct of General Garibaldi. It did not even distinctly appear that there was any previous arrangement, or that those persons were in any sense in the service of General Garibaldi. They made preparations at Genoa, and it was reported that the authorities must have seen and known what was going on. It was not meant that the authorities knew the crew would take her to Monte Cristo and rob Mr. Watson Taylor, but that they must have seen she was intended to be used in the expedition against Sicily. The argument was, that because those men sailed in the *Orwell* from Genoa, went to Monte Cristo, robbed Mr. Watson Taylor, then went to Sicily and tried to join Garibaldi—which they failed in doing—and because General Garibaldi afterwards subverted the King of Sicily's throne and offered the crown to the King of Sardinia, the King of Sardinia, by accepting the crown, adopted all the acts of the people on board the *Orwell*. ["Hear, hear!"] If the hon. Gentlemen who cheered thought that was sound reasoning, nothing which he could say would convince them that it was absolutely preposterous and extravagantly absurd. If the authorities of a particular Government knew that an expedition was preparing in one of their ports against another Government, and did not prevent its starting, the Government against which it was directed were the parties to complain; and if the King of Naples had been strong enough, and disposed to remonstrate, no

doubt he might have done so. In Ireland not long ago an expedition was organized of a very gallant body of men, presided over by a Gentleman who was now an ornament of that House, for the purpose of supporting the throne of the Pope in Central Italy. He knew that they were Gentlemen incapable of such an act: but supposing in their passage from Ireland they had landed upon some island and robbed an Italian gentleman, by taking supplies or other things, without paying for them, just as the people on board the *Orwell* had done at Monte Cristo, would it not be absurd to say that the English authorities were responsible; because, knowing that preparations were being made, having for their object the defence of the Papal dominions, they did not prevent the arming and fitting out such an expedition, when it was clearly against the terms of the Foreign Enlistment Act? Then it was said, that although the Sardinian Government was not at first responsible, they became responsible because they afterwards took the benefit of what was done by General Garibaldi, whom these men meant to join. But was the King of Italy to be responsible for everything which General Garibaldi and all his followers did? The King of Italy would be very unwise to listen to remonstrances which would put him in a position in which he would be held bound by all the engagements and acts of the followers of General Garibaldi merely because the people of Italy achieved their independence under the gallant leadership of that great man, and he offered the crown to the King of Sardinia, and the King of Sardinia accepted it. The King of Italy's answer would be, "The past is one thing, and the future is another. I am content to accept the crown which you offer, but I must not be held responsible for everything which has been done by these persons by whose aid the crown is at your disposal." But this case did not come up to that. These men were not even proved to be the agents of General Garibaldi; for they were not successful in joining him. The *Orwell* was taken possession of by a British man-of-war, and carried into Malta. Sir James Hudson afterwards saw the master, and brought him to such a reasonable state of mind that he seemed disposed to indemnify Mr. Watson Taylor. Whether the master made overtures to Mr. Taylor or not, he did not know; but Sir James Hudson pointed out that it was

by means of the ship that the damage was occasioned. What became of the *Orwell*? Had the *Orwell* been in the service of the Sardinian Government, this country would have made remonstrances of a grave kind, because the *Orwell* was placed in the position of a piratical vessel with the English flag flying; and, if the Sardinian Government had been responsible for it, this country would not have failed to make remonstrances on that account. They learned what became of the *Orwell* from the statement of Mr. Macbean, the witness on whom his hon. Friends opposite relied. On the 3rd of July, 1861, he said—

"I understand that Mr. Salter, the master of the *Orwell*, was tried before a naval court at Genoa, and acquitted of complicity in the loss of his vessel; that the *Orwell* was captured in the Sicilian waters by Her Majesty's ship *Scylla* and sent to Malta, where the parties concerned in the abduction were to have been tried for piracy, but that the owners of the *Orwell* opposed their prosecution."

Therefore Mr. and Mrs. Taylor knew where to find the people really responsible, and wherever they were to be found, there they might have followed them; but unless hon. Gentlemen meant to say that every Government was to be responsible for every depredation that might be committed upon any person, or the property of any person, living in its territory, it was impossible to find any standing ground on the principles of international law for holding the Government of Italy properly responsible for the losses of Mr. and Mrs. Taylor in this case.

**MR. SOTHERON ESTCOURT:** There is, in this case, no dispute that a serious outrage has been committed. I have not heard from either side of the House a single word from which I can conjecture that any one is prepared to deny that outrage, or to excuse it. Then comes the question, what is to be done? The political door has been shut by the Chancellor of the Exchequer, who says he cannot hold that the King of Italy is responsible for the piratical expedition. The right hon. Gentleman says, "It is true that the ship with a piratical band, as it is called, started from a Sardinian port and hoisted a Sardinian flag; but, inasmuch as she sometimes hoisted a British flag, and that part of the crew were coerced to join in the proceedings, I will not hold the King of Sardinia liable to make good any loss or injury sustained by the actions of that crew." It is not denied that the King of Sardinia profited by the expedition, as the crew joined the main body, by whom Sicily

was wrested from the Bourbons, and from their proceedings Naples as well as Sicily was added to his dominions. The Chancellor of the Exchequer will not, however, allow any room to deal with the matter in a political sense, because he is of the same opinion as Count Cavour, who says—

"I am not aware if Mr. Taylor has suffered losses which he did not bring upon himself, and which were not consequent upon the facts which the tribunal has established as chargeable to him; but, upon every hypothesis, if he can draw up legitimate reclamations, diplomatic intervention could only take place, it appears to me, when all justice shall have been refused him by competent authority."

The Chancellor of the Exchequer having shut the political door, it might be supposed that some light would be allowed to enter through the legal door; but the latter is shut by the Solicitor General. Against two such authorities I am far from setting any opinion which I may entertain, but I am forced to ask the question, "Under what rule is Italy governed when such things can happen without compensation being given to a gentleman against whom it is admitted an injury had been done, and who has been subjected to a great indignity?" If these things had occurred in this country, it would have been held that a state of anarchy had arisen. I do not mean to say that anarchy prevails in Italy—no doubt it is in a disturbed condition, but I hold that the Sovereign of that country, being on terms of amity with the Sovereign of this country, is bound to protect a British subject living in his dominions, in the same manner as we are bound to protect an Italian in England following his lawful occupations and doing injury to no man. I hope the discussion will not close without our receiving some assurance from the Government to the effect that Mr. Taylor's case is not a hopeless one; for I think the effect would be bad, not only in Italy, but in every other country, if we were told, on the authority of the Government, that there is no redress for a man who has suffered such injuries, and who is admitted on all sides to be an innocent man. Up to the date of those occurrences in Monte Cristo it was believed by the friends of Mr. Taylor that he was as safe in the enjoyment of the estate which he had purchased, and on which he was laying out a great deal of money, as if it were situated in any county in England. Nothing would weigh more on their minds than a statement by authority that such an impression was a mistake

*The Solicitor General*

from beginning to end, and that he has been living in a country which is not subjected to lawful authority. I think any hon. Member who reads the papers on the subject will not wonder that Mr. Taylor declined to have recourse to the Courts in Elba, either to defend himself in the first instance, or afterwards to obtain a reversal of the sentence. If our own Government declares that he can have no redress, the effect will be to entirely deter any prudent Englishman from investing his money in any of the Italian possessions, or from going to reside in Italy. For my own part, I hold that a man can live as safely in Italy at the present moment as in England; but I arrive at that conviction from circumstances totally independent of the events at Monte Cristo—I hold that opinion in defiance of the circumstances detailed in those papers. I think the case ought not to be left in its present position. If closed in a legal sense, it ought not to be in a political; for both the English and the Italian Government are concerned in obtaining redress for my unfortunate friend.

MR. SOMERSET BEAUMONT said, he could not approve the tone in which the Under Secretary for Foreign Affairs had criticised the speech of the hon. Gentleman who had brought forward this Motion. The question was a very important one concerning a British subject, and, after the temperate manner in which it had been stated by the hon. Member for Taunton, the Under Secretary ought not to have said it was brought forward in a party spirit. [Mr. LAYARD: I did not say that.] He would remind the hon. Gentleman of his remark, that whenever anything unfavourable to Italian unity was said by the Mover, he was cheered by hon. Members on the Conservative side. An hon. Gentleman bringing forward a Motion in that House was not responsible for the cheers with which his observations might be received. A remark like that made by the hon. Gentleman might be supposed to betoken a disposition to prevent hon. Members from speaking their opinions frankly. Ten days ago a brilliant occurrence took place in that House. A Motion was made for retrenchment—a very unmeaning one, as he thought—and the noble Lord at the head of the Government met it in a straightforward and, he was glad to say, a most successful manner. He said he would not discuss the question as to the particular Resolution that ought to be adopted, but would go at once into another question—

namely, whether or not the House would have Lord Palmerston at the head of Her Majesty's Government. Knowing that his leadership was cherished in the House of Commons, the noble Lord did right to take that tone. The hon. Gentleman the Under Secretary was an apt pupil, and had followed the same course, for he said, "This is a serious case. The hon. Gentleman who made this Motion wants to fling a stone at Italian unity." His reply to the hon. Gentleman was, "Italian unity must be an article of very brittle manufacture if it cannot bear a stone cast at it in this House." He had had the honour of being returned for a large town; and he had stated to its constituency that he was a firm supporter of the policy of the Secretary for Foreign Affairs with regard to Italy. He was still a supporter of that policy. But he thought, however successful had been the achievement of establishing the Italian kingdom, it had been brought about by means, and through the agency of persons, of whom the less said the better. However much he might agree with the result, he thought the way in which it was effected would not, in the page of history, be very creditable to its origin. That being the state of things, it was not surprising that cases should have occurred of injury done to British subjects. He would not attempt to refute the defence of the course taken by Her Majesty's Government made by the Solicitor General. Let them look at the case in this way. The Chancellor of the Exchequer said, what an enormity it would be if they sanctioned the view that a country should be made answerable for every act of a ship leaving a foreign port under her colours. That was true enough; but the case in question was exceptional. They could not call that a common piratical expedition which ended in making greater territorial changes than had occurred in Europe in the last twenty-five years. What the Chancellor of the Exchequer called a piratical expedition, ended in a territorial change that doubled the extent of one of the smallest sovereignties of Europe. Could they compare consequences of this kind with the ordinary consequences of a piratical expedition? He would not discuss the legal part of the case; he would look at it in a common-sense point of view. The Solicitor General said it was not certain this expedition had the authority of General Garibaldi. But he thought the despatch of the 24th of July, 1860, in which the General com-

manding the national army of Italy ordered the steamer to be chartered, did amount to an authorization. Nor was it an isolated despatch. Admiral Mundy, writing from Naples, on the 4th of September, 1860, expressed his belief that General Garibaldi was not cognizant of anything that had been illegally conducted. But the transaction brought great advantage to Garibaldi's expedition; and he thought it extravagant to say that these circumstances took place without the authority of General Garibaldi. The vessel left Genoa, and the persons on board committed great ravages on the property of an inoffensive English gentleman, who had chosen an elegant retreat in this island in order more pleasantly to cultivate his taste for literature, gardening, and farming. He and his wife appeared to have a good position in society, and might be expected to speak and act like persons of good condition; but one of the accusations against the lady was that she had called Victor Emmanuel "a bullock merchant." That did not convey the idea of great brilliance of repartee. He was not sufficiently acquainted with the idiom of Italian to say whether the term conveyed anything more in the original than it did in the translation; but he owned he was unwilling to believe that such language had been uttered by the lips of a gentlewoman, and, to his mind, it looked very much like a trumped-up story. But the expedition that landed on the island of Monte Cristo, to the injury of the English proprietor, resulted in a great acquisition of territory by Victor Emmanuel; and putting aside any question of law, he would ask whether Victor Emmanuel was not, as a man of honour, bound to offer a fair and adequate compensation for the injury done? Was he not bound, as a gentleman, to accept the responsibility of what had produced such great advantage to him? The noble Viscount had often vindicated, with great success, the rights of British subjects. The confidence of the country, which he had so justly obtained, was derived from the manliness with which he had always vindicated the fair claims of British subjects; and he hoped the noble Lord would not neglect the principle on this occasion.

MR. STIRLING thought the hon. Member for Taunton (Mr. Cavendish Benét) had been treated somewhat unfairly from the Treasury Bench. The House would acknowledge that the hon. Member had introduced a subject, by which

warm feelings might easily have been excited, in a very calm and temperate manner. It was necessary to his hon. Friend's case to deny the accuracy of some statements made by Sir James Hudson in his despatch; but he had done so without in the smallest degree impugning Sir James Hudson's honour. So far from it, he went out of his way to explain how a mistake might have arisen. Yet for this his hon. Friend had been attacked by the Under Secretary for Foreign Affairs, who used an epithet which his own good sense induced him in a few minutes afterwards to withdraw. The Solicitor General had also applied the epithets "unjust" and "ungenerous" to his hon. Friend. Now, what was the particular point of the case? Sir James Hudson described an interview with the owners of the ship *Orwell* in a particular manner. This representation, his hon. Friend stated, was inaccurate; and he did so on the authority of the owners in question, two gentlemen who were present at this moment in London, and whose description of what took place differed widely from that of Sir James Hudson. He had no doubt that the matter could be explained, and that Sir James Hudson would himself be anxious to explain it. But when he heard the Chancellor of the Exchequer and the Solicitor General taking refuge in such epithets as they had applied to the statement of his hon. Friend, he thought their case could not be so strong as they desired it to be thought. The Solicitor General had said that the second statement submitted to the Queen's Advocate by the Government, being less favourable to Mr. Watson Taylor, had produced a less favourable answer from the noble Lord the Secretary for Foreign Affairs. It did not, however, appear that the lawyer on whose last opinion the less favourable despatch of the noble Earl was founded, knew that Mr. Taylor distinctly denied being aware of the annexation of the territory of Tuscany by the King of Sardinia when the alleged offence was committed. The post had not then reached the island with the news that Victor Emmanuel had been proclaimed King, and therefore Mr. Taylor was in ignorance of what his opponents thought of importance in the charges against him. The House had heard a great deal of the lawlessness of the pirates who had pillaged the island of Monte Cristo. No doubt pirates were always lawless, but it had not been shown

in what respect these men differed from those who embarked with Garibaldi, and assisted him in the conquest of Naples. They formed part of the same body, and, if he were correctly informed, Settembrini, who was ringleader in the seizure of the *Orwell*, at this moment held a commission in the service of the King of Italy. Perhaps, however, as an answer to the charge of lawlessness, it would be sufficient to read the agreement, signed by those who embarked on board the *Orwell*. The following were the terms of the agreement, to which he ventured to call the especial attention of the House :—

"Agreement, to be valuable and considered as ship's articles. We, the undersigned, of our own free will, hereby agree to join in — one or more of Garibaldi's men-of-war or transport ships for the purpose of fighting on behalf of the Italian cause as men-of-war-men under Garibaldi's immediate command, or one of his appointed officers, and there to serve in a brave, faithful, honest, and sober manner. We all understand and agree that we are to be under the same disciplinary law as the army—that is, martial law. For our services we are to receive — francs per month, payable monthly or quarterly, and £200 sterling per gun prize money, to be divided among the crew according to the usual custom, twenty days after the prize enters port."

These men were thus neither more nor less entitled to the phrase "lawless" than the other Volunteers who formed part of Garibaldi's expedition, for which expedition these very men were engaged, and in which it appears many of them were ultimately combatants under the command of Garibaldi himself. Certainly no man had benefited more largely by the services of Garibaldi and his comrades than the King of Italy, or had less right to repudiate claims to which the acts of Garibaldi's followers had justly exposed him. A witty Frenchman in the last century, speaking of the Princes of Savoy, said that "geography prevented them from being honest men." That saying had often recurred to his mind during the negotiations for the cession of Savoy to France. He (Mr. Stirling) remembered, however, the difficult and trying circumstances in which the King of Italy was placed, and he was thus led to compassionate that which he could not but condemn. Now, however, that the King of Sardinia had become King of Italy, he really hoped that those geographical necessities which had borne so hard upon his ancestors, had passed away, and that by respecting the rights of his own subjects, the rights of other Powers, and the rights of Englishmen, he would endeavour to deserve his

title of *Il Re Galantuomo*. He had read with great pain the despatch of Count Cavour; but, after all, the question for that House was—how had Her Majesty's Government behaved? Being an admirer, in the main, of the present foreign policy of the noble Earl at the Foreign Office—having more especially sympathized with his Italian policy, and having, in his humble way, taken the greatest interest in Italian unity—he regretted he could not say that, in his opinion, the action of the Foreign Secretary had been satisfactory in this case. On the 30th of January that noble Earl wrote one of those admirable compositions known as his "spirit-ed despatches." In a few months, however, a change came over the noble Lord's spirit. The House could not, in the papers before it, watch the process, but in a few months the spirit had entirely evaporated, and Mr. Taylor was told, in a milk-and-water despatch signed by an Under Secretary, that he must put up with his intolerable wrongs. Let him compare this treatment of a British subject, who, for no wrong done by him, had had his property ravaged and destroyed, with the course pursued by Her Majesty's Government when a foreign subject was concerned. In October last, at the very time this affair was under the consideration of the Foreign Office, Father Passaglia, a subject of the Pope, having written a very able pamphlet in favour of Italian unity and against the temporal power of the Pope, went to Rome to observe the effect of his work. When he arrived, his pamphlet was condemned, and he himself threatened with arrest. What the precise danger which threatened this distinguished man might be he knew not; but he had heard, and read in the newspapers—and the statement had not been denied—that Lord Russell sent orders to Rome that a British passport was to be given to Father Passaglia, and that he was to receive all the protection that could be afforded to a British subject. He made no remark on this proceeding. The Foreign Secretary had, perhaps, good grounds for what he had done; but why an Italian ecclesiastic, who was not a British subject, and who had no claim to the protection of a British Minister, should be treated with so much respect, he (Mr. Stirling) could not altogether understand. He believed that the noble Lord would have better employed his energies on behalf of this British subject who had been so cruelly wronged, than in using what he must re-

gard as a considerable liberty with respect to a member of the Pope's opposition. He believed the noble Lord would not have ventured to pursue a similar course if Father Passaglia had been, not an Italian, but a Frenchman. Had he been a Frenchman in danger of Cayenne or Lambessa, would the noble Lord have ventured to order Lord Cowley to give him a British passport, and the protection of British power? The noble Lord knew he was dealing with a Government that was weak at home and unpopular in this country, that he was dealing with Rome and not France, with the Pope and not the Emperor. He now called upon him to deal with equal spirit with a Government both popular at home and powerful abroad, popular which was both in Italy and England; but endeavouring to evade the just claim of a deeply injured and innocent Englishman.

SIR MINTO FARQUHAR said, that his hon. Friend who opened this debate could not have stated the circumstances more temperately or with a greater absence of party feeling, and he could not therefore help expressing his astonishment at the speech of the Under Secretary for Foreign Affairs. Had matters come to such a pass that justice could not be demanded in that House for a British subject without an imputation of partisanship against the Italian Government being flung at the Opposition benches? He would maintain that there had been no party in that House more gratified to see the hopes of Italy fulfilled, and Italian liberty thoroughly established, than the men among whom he had the honour to sit. It was all very well for the noble Viscount at the head of the Government to set aside the question of finance, and then to ask what Italy would be if she were in the hands of his right hon. Friend (Mr. Disraeli.) For himself, he demanded that these questions should be discussed on their merits. He was quite as anxious to see Italy in a state of freedom and independence as any hon. Member who sat on the Ministerial benches. What would have happened if Mr. Taylor had been a French or American instead of a British subject? Would a French or American Minister have tamely sat down when a French or American subject had had his house attacked and his estate ravaged, and then told him to seek redress in the law courts of Sardinia, at a time, too, when Sir James Hudson stated that the judges themselves who heard the case were carried away by

the excitement of the time, when the fate of Italy was trembling in the balance. Was the House to be told that Mr. Taylor should have recourse to such courts for justice? Who was the originator of the whole affair against Mr. Taylor? Why, a corporal who had been sent to the island with a few men as a guard, whom he had employed, and against whom he had lodged a complaint, and who, no doubt, had invented the whole story. Mr. Watson Taylor was accused of sedition, and his wife of seditious gestulation; his labourers were charged at the same time, and he was to be brought before a court without a witness. Now, Mr. Taylor was a friend and relative of his, and he was satisfied that that gentleman was incapable of uttering the expressions attributed to him, and that Mrs. Taylor was equally incapable of making use of the vulgar terms which were put into her mouth. The whole thing was ridiculous. They were British subjects, and had suffered great loss, for Mr. Taylor had expended £10,000 or £12,000 on his property, and was living upon it in a peaceable manner. The Sardinian Government admitted that the proceedings were wrong, and had remitted the sentence pronounced upon him, and had paid his expenses, and they ought also to pay him the compensation to which he was fairly entitled. Surely, the Sardinian Government were open to friendly remonstrance on the subject from the Government of this country. He should be glad to know why the evidence of the labourers of Mr. Taylor was not to be considered as good as that given by his accusers, yet the corporal and his guard were believed and the labourers were not. It was said, if Mr. Taylor had remained at Monte Cristo when the *Orwell* arrived, he might have prevented the destruction of property which took place there. But Consul Macbean was of a different opinion, and said it was lucky for Mr. Taylor that he was not on the island when the vessel arrived there. The case altogether was a very strong one, and it had been left almost entirely to the Chancellor of the Exchequer and the Under Secretary for Foreign Affairs, without support from Members on the Government side of the House, which was very significant, to defend the conduct of the Sardinian Government.

VISCOUNT PALMERSTON: Sir, I think there are two persons who have, in different ways, been ill-used. The one is

Sir James Hudson, the other Mr. Watson Taylor. I think Sir James Hudson has been very unfairly attacked by the hon. Gentleman who submitted this Motion, and I am satisfied that the accusation against Sir James Hudson, of having made statements which are totally unfounded—implying also that he believed them at the time to be unfounded—is an imputation which the hon. Gentleman will be disposed on reflection entirely to withdraw. Everybody who knows Sir James Hudson knows that there is not a more honourable man living; that there is no man more incapable of misrepresenting anything, much more of stating anything which he does not believe to be true. He is a man who has distinguished himself greatly in all the employments in which he has found himself, and who has, on every occasion, upheld the honour and dignity of the country which he has served. With regard to Mr. Watson Taylor, no doubt he has sustained very grievous injury. Nobody denies that. The question at issue in this night's debate has been whether the circumstances of the case were such as to have justified Her Majesty's Government in authoritatively demanding redress and compensation in his favour from the Italian Government. Now, there are two different parts of Mr. Watson Taylor's case. The one is the trial at Porto Ferrajo; the other is the destruction of Mr. Taylor's property in the island of Monte Cristo. I am quite ready to admit that the condemnation passed upon him at Porto Ferrajo may have been totally unjust. But, nevertheless, it was founded upon the evidence such as it was, which the Court had before it. Mr. Taylor, for a reason which I do not impugn—he very likely judged properly with reference to his own personal security under the circumstances of the case—did not think it right to appear before the Court, and therefore did not give the evidence which would have rebutted that brought against him. The Court could only form its judgment upon the statements made before it, the truth of which it was bound to assume. Mr. Watson Taylor, however, did not suffer any real injury from this, because the Italian Government remitted the sentence passed upon him and paid his expenses, thereby admitting that the sentence was an unjust one, and one which would not have been pronounced if his evidence in reply had been given. We must therefore dismiss altogether that part of the case, upon

which a great deal of stress has been laid by those who have spoken to-night. The real grievance is the injury done to Mr. Taylor's property at Monte Cristo. Now, it is very plain that the injury was inflicted by persons who were not at the time in the service of the Italian Government. They have been described on both sides of the House as persons who acted like pirates. Well, then the question arises whether the Government of a country from the port of which piratical vessels sail is liable to give compensation for the piratical acts of the crew? Undoubtedly not. Nobody can contend that if a piratical vessel sails from a port of this country, and commits outrages in another part of the world, the British Government is liable to make good the injuries which that piratical vessel may have inflicted. If you hold that these people were pirates, not Italian subjects, but foreigners embarking in a vessel from an Italian port, and committing outrageous acts of piracy—if that be granted, then you are not entitled to demand from the Italian Government reparation for the acts of persons who were not under its control nor acting under its orders, and for whose acts that Government cannot be held responsible. My noble Friend at the head of the Foreign Office did, upon the first statement, think the case was a strong one—as, undoubtedly, in point of injury it was—and that there were grounds upon which the Italian Government might be called upon to make reparation, and he wrote a despatch in that sense. Further information, however, came to him, and that further information was referred to the Queen's Advocate. I may here state that it is the practice of the Foreign Office to submit every document connected with the matter upon which a legal opinion is required to the officer from whom that legal opinion is asked, and it is obvious, that if that were not done, the Foreign Office would defeat its own object in asking for an opinion. That is done for this reason, that the Secretary of State may know upon what grounds he may safely act, and take his stand in making application to a foreign Government upon a given case. But if he did not give to the legal officer every fact in his possession connected with the matter upon which an opinion is asked, he would defeat the purpose for which the opinion is required. Therefore, the consistent and the necessary practice is to send all the papers to the three Law Officers or to the single Law Officer who is

consulted. There is an end, then, of the complaint that any part of the papers were withheld from the Queen's Advocate. I will undertake to say that every fact in the possession of the Foreign Office upon which an opinion could be founded was submitted to the Queen's Advocate when his opinion was asked for. Now, what was the result of this last reference to the Queen's Advocate? That Law Officer, taking into consideration all the circumstances of the case, reported to my noble Friend that there were not grounds upon which internationally the Government of this country could make any demand upon the Government of Italy. Then, what was my noble Friend to do? Was he to make a demand which his legal adviser told him he was not entitled to make? Suppose he had made a demand, and it had been rejected, and measures of hostility had followed, he would have been called upon to explain to Parliament the grounds upon which those measures had been taken. What would this House have said if they found that he was acting in direct contradiction to the opinions of his legal adviser? It was impossible for my noble Friend to act otherwise than he has acted; and, as far as this discussion has turned upon the consideration of the conduct of the Government, I contend the Government has done precisely what it was our duty to do—in the first place, my noble Friend urged a claim which appeared to him to be well founded; and when upon further investigation the legal adviser of the Government reported that it was a claim that could not properly be urged, he abstained from urging it. I contend that, however hard it may have borne on Mr. Watson Taylor and his interests, my noble Friend could only pursue the course he has pursued. I admit that there is a further question, beyond the conduct of her Majesty's Government, and that is the decision at which, after full consideration and a review of the facts, the Italian Government may arrive in a case of this kind. It cannot be denied that from a concatenation of circumstances over which Mr. and Mrs. Taylor had no control—although I think they might by a different course have avoided some portion of the evils they have sustained—but, passing over that, it must be admitted they have suffered grievous loss. That loss has been sustained, not at a period, as was stated by my hon. Friend, when Italy was in a condition of anarchy, when the laws were suspended, when no justice could be

had from the courts, and when the ordinary transactions of mankind were involved in confusion. That never was the case, for all the changes that have taken place there have taken place with most wonderful moderation, and with an absence of interruption of public order and public justice. It is not true, then, to say that there was any period at which application might not have been made to the tribunals of that country with a fair expectation of justice being done. Therefore I must say I think Mr. Taylor would have been well advised if he had had recourse to the courts of law for a remedy against the owners of the *Orwell*—for I presume they are the parties from whom redress should have been demanded. But, making all allowances for impressions produced upon his mind by circumstances which had occurred, and making allowance for apprehensions he might have entertained that prejudices would have operated against him, so that it was useless to apply to the courts of law, I cannot but think that the Government of the King of Italy, now that these transactions have passed away, may, upon reconsideration, and especially when they learn the sympathy which this case has excited on both sides of this House—may be inclined to look upon it from a different point of view from that from which they had considered it before. I have no hesitation in saying, that if any friendly representations from Her Majesty's Government can tend in any way to influence the decision which we cannot demand as a right—because we are told by our legal adviser that we are not entitled to do so—such representations will be made, and considering the friendly relations happily existing between the Italian Government and the Government of Her Majesty, and the strong and general expressions of opinion in this House, such representations may have weight, I think, with the Italian Government. As far as those considerations go, I have no hesitation in saying that Her Majesty's Government will feel a pleasure in representing them to the Italian Government.

MR. DISRAELI: Sir, I have always been of opinion that discussion in this House is of great advantage. And when I contrast the speech we have just heard from the First Minister of the Crown with those with which we have been favoured on the same subject from the Under Secretary of State and the Chancellor of the Exchequer, I find renewed evidence to

*Viscount Palmerston*

confirm me in that conviction. This debate, after the statement of my hon. Friend near me—a statement ample and perspicuous, and which did justice to all the circumstances of the case—was encouraged on the part of the Under Secretary by an announcement that any remarks made on it would be looked upon as an expression of want of confidence in the Government. There is an old saying, “Once in a way,” and in the hands of a great master, and one entitled to use weapons, which ought seldom to be had recourse to, such a proceeding may be justified; but it is one which ought to be used very seldom, as I think its constant repetition might be somewhat dangerous to our Parliamentary Government. I have always been of opinion that successes obtained by such means are of a very dangerous character even to those who are successful, and that sometimes, instead of making a Government strong, they only make a House of Commons weak. But in the present case, when the wrongs of an English gentleman are brought under the consideration of the House of Commons, I cannot conceive anything more indiscreet than that the first member of the Government who rises to speak upon them should meet the question with a cry of a party debate, and cast an imputation upon others of gross party feeling. [Mr. LAYARD: I said nothing of the kind.] Well, perhaps you said something stronger. I believe I have only weakly expressed the views of the hon. Gentleman. But I think the course of the debate has dispelled any opinion of that kind; and it appears to me that there is a conviction on all sides that the only motive of my hon. Friend, and the only one which influenced those who expressed similar views from both sides of the House, is that we are called upon to discharge one of the highest duties of a representative in this assembly—namely, that when a question of the grievance of a British subject is brought before us, we should give it that calm and attentive consideration which it requires. I will make no remark on the speech of the Chancellor of the Exchequer, except that it seemed to me to be pitched in the same unfortunate tone as that of the Under Secretary, and for which I admit that the Chief Minister who has just addressed us has completely compensated. It has been said that this question must be considered either in a legal or political point of view. Well, we had the legal aspect of it put by the Solicitor General and another Member

of the Government. The Solicitor General showed that there was a clear legal remedy in the hands of Mr. and Mrs. Taylor against the Italian Government, and that they might bring their action against—whom? Why, against General Garibaldi. So that General Garibaldi having presented the Sovereign of Sardinia with the kingdom of Italy is to have an action brought against him by Mr. and Mrs. Taylor. Now, I think nothing could be more ungenerous than this suggestion of the hon. and learned Solicitor General. I remember, some years ago there was a debate upon China in this House. It was the commencement of that unfortunate policy so much favoured by the Chief Minister that has cost us such millions of money. We had a debate upon China, in the course of which we had a speech from a distinguished lawyer—I dare say it was the Solicitor General of that day—and it was impossible to resist the chain of arguments by which he proved the legal remedy which certain unfortunate people had against the Emperor of China. I recollect Sir James Graham, who followed on that occasion, saying, “Mr. Speaker, for God’s sake, let us get this question out of *Nisi Prius*.” Well, I say, the same in reference to this case of Mr. and Mrs. Taylor. If the only remedy for the sufferers is to be had in an action against General Garibaldi in a court at Naples, I must say I can hardly congratulate them upon their character of British subjects. But, as to viewing this question in a political sense—why, Sir, when a country is in a state of revolution everything relating to it is political, and it is ridiculous and mere pedantry to talk about having recourse to courts of justice. The noble Lord has in this respect taken a right view of the case. He has generously offered his assistance towards procuring redress, but at the same time he intimated his opinion—not very generously I think—that if Mr. and Mrs. Taylor had behaved otherwise than as they had done, they might not have been placed in so painful a position. My opinion is that Mr. Taylor was placed in a most difficult position, and that he has acted on the whole with as much discretion as one could reasonably expect. But we are not to look at his discretion in the matter, but to his rights as a British subject who has been grossly injured, and whose property has been outrageously violated. The noble Lord referred very strongly to Sir James Hudson. Now, I look upon that gentle-

man as a valuable servant of the Crown. I have no hesitation in saying, that he possesses great energy and zeal—though Talleyrand thought zeal not the most desirable quality in a Minister—and is an able public servant. But Sir James Hudson is not free from indiscretion, and in his time he has committed acts of indiscretion. I remember, only three years ago, vindicating him in this House from an act of great indiscretion, on the ground of his far superior public services. We ought not therefore to look with severity on the supposed faults of Mr. Taylor, or to visit him with the charge of indiscretion, when Sir James Hudson himself is not always free from it. There is no doubt that Mr. Taylor is an English subject, a gentleman, and the near relative of gentlemen who have sat in this House. It cannot be denied that he has been greatly injured and treated with gross injustice. His claim for reparation cannot be put off in this House so easily as some hon. Members seem to suppose. We cannot be put off in our demand for inquiry with a view to the redress of his wrongs by such arguments as those urged by the Under Secretary and the Chancellor of the Exchequer. I say that the view expressed by the noble Viscount is more liberal, more wise, more politic, and more conducive to the interests of Italy itself, than that expressed by his colleagues in the Government. I say, looking at the grievances and injuries which this honourable man, Mr. Taylor, has experienced, I think that the noble Lord is right in holding out what is in form only a hope of reparation; but, coming from such lips, must be viewed as a certainty that Mr. Taylor will receive that redress to which he is entitled. That is only what the noble Lord has done in many cases before. Why, it is only a year ago that a gentleman—an English gentleman who could not obtain a place to which he thought he was entitled in a German railway carriage—I suppose you all remember what a sensation was created throughout the country on that subject—I will not speak of the thundering articles in thundering newspapers; I will not speak of the murmurs of an indignant and sympathizing country; but we had the noble Lord the First Minister of the Crown, because that gentleman did not get a place in a German railway carriage, coming down to this House and absolutely delivering an oration

that threatened Prussia with a revolution. I say, there is some hope for Mr. Watson Taylor when such a distinguished person as that First Minister of the country promises to do something; and it is from the unfailing patriotism of the noble Lord that we have some chance that a little more spirit will be infused into the diplomatic relations between the Italian Government and this country than the Under Secretary and the Chancellor of the Exchequer gave us any hope to expect. If Mr. Watson Taylor had been a Don Pacifico, then I am confident that he would not have pleaded in vain to the noble Lord; but I wish to do justice to the noble Lord, and I think that what he has done to night is most encouraging, and that the recollection of the greatfeat of the noble Lord in the Pacifico case will animate him now, and he will say, "I who vindicated the rights of Don Pacifico, a foreigner and alien, I will not be backward now because the sufferer is an Englishman and an English gentleman. I will not accept the course chalked out by my colleagues, but in this, as in all other cases where I am concerned, I will vindicate the honour of my country, and protect the rights of my countrymen."

MR. CAVENDISH BENTINCK said, he had never intended to accuse Sir James Hudson of having wilfully misstated the facts of the case. What he had stated was, that in his multiplicity of business he had probably forgotten what had occurred. Having heard the assurance of the noble Lord, and believing that the noble Lord would always act up to what he said, he would withdraw the Amendment.

*Amendment, by leave, withdrawn.*

Question again proposed, "That Mr. Speaker do now leave the Chair."

#### CAMBRIDGE UNIVERSITY AND THE ACT OF UNIFORMITY.—OBSERVATIONS.

MR. E. P. BOUVERIE said, he rose to call attention to a Petition from Resident Fellows and Masters of Arts of Cambridge University, respecting the Act of Uniformity. The Petition went to show that certain provisions in the Act of Uniformity, which required all persons before admission to fellowships in colleges to make a declaration of conformity with the doctrines of the Established Church, were, in the opinion of the Petitioners, injurious to the University, and the Petitioners therefore prayed that those provisions might be repealed. The Petition

*Mr. Disraeli*

was signed by seventy-four resident Fellows of the University; and among them were comprised no fewer than sixteen tutors and assistant tutors of different colleges. The signatures, therefore, were those of gentlemen who were best qualified to form an opinion on the subject, and that opinion was entitled to the greatest weight upon a question of the kind. A few years ago the subject was comparatively of no importance: but in the year 1856, upon the passing of the Cambridge University Act, the operation of the Uniformity Act was brought fully into view in reference to the exclusion of Nonconformists from the emoluments of the colleges of Cambridge. Previously to that time a statute of the University, dating from the time of James I., required all who took a degree to sign a declaration of membership of the Church of England, and that statute was found to be so complete a barrier to all who were not members of the Established Church that it was not necessary to consider how the Act of Uniformity operated. In 1856 the great barriers to Nonconformists becoming members of the foundations were removed. It was enacted that for the future, with reference to all degrees except in theology, no subscription or declaration should be required, and the University Statute of James I. thus became imperative. The operation of the Act of Uniformity being thus brought more distinctly into view, the Petitioners came to the conclusion that it was for the interest of education that the remaining barrier should be taken away. They wished the colleges to be left free. It appeared, that if a certain portion of the Act of Uniformity was repealed then, with the approbation of Her Majesty in Council, the authorities of the University would be enabled to deal with the matter in such a way as to them seemed best, and the Petitioners were satisfied that the remaining restrictions should be removed, and that a wider field should be now opened to those who were to take part in the education of the youth at Cambridge. They had had a most convincing proof of the injury which this statute imposed on them at present. Two of the Senior Wranglers within the last two or three years were respectively members of the Free Church of Scotland and of the Baptist Church, and not being admitted to compete for fellowships in the colleges to which they belonged, they had no inducement to remain in the University.

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for the purpose of taking part in carrying on education in those establishments, as they otherwise naturally would. This circumstance attracted the attention of those who took an interest in the cause of liberal education, and they stated that the repeal of the statute would enable them to deal with the matter in a manner beneficial for educational purposes. He knew that it was always supposed that these great foundations of Oxford and Cambridge were pure Church of England establishments, and that the Church of England was entitled to a monopoly of their emoluments. That was true with respect to many of the colleges at Cambridge in the present day, and their statutes framed under the University Act of 1856 required that their Fellows should be members of the Church of England. It was not, however, true with respect to some other of the colleges at Cambridge, which had no such strict limitation of the college emoluments; and there was nothing but the Act of Uniformity which prevented them from electing qualified Nonconformists to fellowships; and as regarded the remainder, it was competent for them, if they thought fit, to alter their college statutes with the consent of the Queen in Council. If the Session were less far advanced, he should not have hesitated to propose a Bill to repeal that portion of the Act of Uniformity which excluded Nonconformists from fellowships; but he gave notice that it was his intention in a future Session to move for leave to introduce such a Bill.

MR. NEWDEGATE said, that having been in the House when the Cambridge University Act was under consideration, he fully remembered the ground upon which the restriction now in question was retained. It had been preserved from no wish to debar any person, not being a member of the Church of England, from any of the emoluments of the University—not in the least; but as the Fellows formed the governing body of the different colleges, and thus in great measure of the Universities of Cambridge and Oxford, it was thought inappropriate, considering that the Universities were the great source of the education of the clergymen of the Church of England, and also of the great body of the laity of the Church of England, who desired that their sons should be brought up according to the doctrine of the Church of England—it was thought and decided, that it would be inappro-

priate that the governing body should be exempted from that test which secured uniformity with the Church of England. The House then held, and he thought wisely, that as the University of Cambridge was not like the London University, an open University, but a University intimately connected with the Church of England, therefore, while the Nonconformists were admitted to all the advantages of education, that still in the governing bodies of the principal colleges conformity with the doctrine of the Church of England should be secured, since that was the Church with which the University was connected.

UNITED STATES—GENERAL BUTLER'S PROCLAMATION AT NEW ORLEANS.  
QUESTION.

SIR JOHN WALSH said, he rose to ask the Under Secretary of State for Foreign Affairs, Whether Her Majesty's Government has received official information authenticating a Proclamation attributed to General Butler, the Military Governor of New Orleans, menacing the women of that city with the most degrading treatment, as a punishment for any mark of disrespect offered to any officer or soldier of the United States Army; and, in the event of an affirmative answer, whether Her Majesty's Government have deemed it right to remonstrate with the American Government against the issue of such an order; and to move for any Papers relating to this subject? The hon. Member said, that when he placed the notice of this Question on the paper, he hoped the answer of the Government would have been that the proclamation in question was one of those fabrications which had been so ingeniously circulated during the civil war in America; for when he first saw the proclamation, it did appear to him absolutely incredible that a General Officer filling so high a position in the United States army as General Butler should have issued an order which must inflict so much obloquy and disgrace. But he had observed in the journals of that morning, and from the letter written by the generally accurate New York correspondent of *The Times*, that this proclamation had been eagerly canvassed at New York, that it had excited great attention, and was generally believed to be genuine. He regretted to see also that up to the time when the last mails left America there was no report of any formal repudiation of the

proclamation by the United States Government, nor of censure and condemnation of its author. Although, however, under these circumstances, the hope he had entertained was greatly weakened, still he did indulge the hope that the reply of the hon. Gentleman the Under Secretary for Foreign Affairs would allay that deep and indignant feeling that had been created among all classes of Englishmen by the publication of so extraordinary a proclamation, so utterly repugnant to the spirit of the 19th century and the whole of the usages of civilized warfare. In the few observations which he wished to make in introducing the question, he should carefully abstain from raising any question as to the merits of that great contest which was now raging on the other side of the Atlantic. We had hitherto maintained an impartial and strict neutrality, and in Parliament we had also maintained a wise and prudent reserve; but while refraining from saying a word upon the merits of the civil war, it was necessary that he should make the observation that it appeared from the testimony of all travellers, confirmed by both official and semi-official reports, that wherever the Northern armies had penetrated into the South they had been universally received as invaders or foreign foes, and there had not been the slightest evidence of the existence of any party, indeed of scarcely an individual, who did not look upon the soldiers of the Northern States with the most determined hostility. That would appear to be the universal feeling throughout the South, and the Southerners, rightly or wrongly, identified their cause with the sacred names of independence, liberty, and love of country. Was it, therefore, wonderful that throughout the whole population of the Southern States the women should partake of the feelings of their husbands, their brothers, their sons, and their lovers? It was, indeed, inevitable not only that they should partake of those feelings, but that they should express them with a vehemence and excitability, which was part of their nature. Such feelings were not only natural, but even praiseworthy; and we, who looked upon the progress of this struggle with less bitterness than those actually engaged in it, and could afford to award merit to both sides where it was due, must feel that our sympathies were with those women who identified themselves with those who, nearest and dearest to them, were daily risking their lives in that great

struggle, and in what they considered a most sacred cause. He should have thought that those sentiments of honour and chivalrous observance which distinguished their profession would have animated the officers and soldiers of a civilized country, and would have made it impossible that anything like discourtesy or insult would have been offered to women—and those women their own countrywomen. But what was the fact? New Orleans had been captured; and the arms of the Northern States had been successful in establishing a military occupation of that great city. It was to be anticipated that that conquest would lead to a feeling of bitter animosity of the citizens against their successful conquerors. Such a feeling being inevitable, one would have expected the conquerors to have exercised a generous forbearance; instead of which, General Butler issued this most monstrous proclamation, which would disgrace for ever the name of the officer who had issued it, and would disgrace the Government of the United States if it was not immediately repudiated. The words of the order were that—

"Inasmuch as the officers and soldiers of the United States had been subjected to repeated insults from women calling themselves the ladies of New Orleans, in return for the most scrupulous courtesy, it is ordered that hereafter when any female shall by word, gesture, or movement, insult or show contempt for any officer or soldier of the United States army, she shall be held liable to be treated as a woman of the town plying her avocation."

What did that mean? Was it (by the most merciful construction of the words) that there were certain legal penalties which in all countries were applicable to disorderly women, and that they should be sent to the House of Correction? Were the ladies of New Orleans, because they might happen by some gesture, by some movement, by something which some soldier or some officer of his own free will might choose to interpret as an insult, to be liable to be dragged off to the common gaol, and to be subjected to the most degrading associations with the lowest and vilest of their sex? That in itself would be more intolerable tyranny than any civilized people in our day had been subjected to. But there was another construction which he could not refrain from alluding to, though it was an interpretation so horrible that he could scarcely conceive that a human being with a mind not that of a demon could possibly have

intended it. He would not allude further to that than to say, that it was a most singular and ambiguous way of threatening confinement in a gaol to say that ladies should be treated like common women of the town plying their vocation. He was quite sure that in every country in Europe, wherever this proclamation became known, public opinion would brand its author with disgrace, and there would be one burst of indignation. Public opinion was said to be the ruling power even in despotic countries; and if it had any power over a rampant democracy, he was sure that it would unite in condemning this most heinous proclamation. He was well aware that the Government might say that to take any step in this matter would be a departure from the line of non-intervention, and that by mixing ourselves up with a foreign struggle we might be led into difficulties and complications. He would not listen, and he hoped the House would not listen, to such timid, such mean counsels. We had interfered and interfered effectually, on former occasions. He would remind the House that some years ago, a civil war raged in the north of Spain which was characterized by acts of bloodshed and barbarous cruelty on one side and the other, and men were shot in cold blood. On that occasion the British Government were induced to interfere, and they interfered with success. The noble Lord (Viscount Palmerston) during his long connection with the Foreign Office, had been constantly interfering by way of remonstrance, and had tendered excellent advice to almost every country in Europe. Only the other day the noble Earl at the head of the Foreign Office (Earl Russell), sent a remonstrance to this very American Government for what certainly in our eyes was an act against the interests of humanity—namely, for blocking up Charleston harbour by sinking vessels laden with stones. If that was an occasion which called for our interference, surely this was one which called far more imperatively for the interposition of the voice of Europe, because the issue of such a proclamation tended to degrade civilization itself, and to throw us back to the barbarism and cruelty of Asiatic potentates, such as Genghis Khan or Nadir Shah. It would be most unjust, without further reliable information, to impute to the United States Government that they concurred in this enormity. If, however, there was any hesitation and delay, on

the part of the United States Government in at once repudiating this proclamation and censuring its author, he earnestly hoped that Her Majesty's Government would consider it necessary to make a most earnest remonstrance to the United States, and to point out to them the necessity of vindicating their national honour.

MR. GREGORY, who had also placed on the paper a notice to call the attention of the Government to General Butler's Proclamation, said, he was not at all surprised that more than one Member should have given notice of his intention to call the attention of the Government to the proclamation now brought before them. The course which had been pursued in regard to it was neither improper nor unusual. The hon. Baronet (Sir J. Walsh) had quoted certain precedents; but he need not go further than the discussions which had taken place in that and the other House of Parliament to show, that when a great act of inhumanity had been committed by a foreign nation, the House of Commons was perfectly justified in commenting on the proceeding, and the British Government in remonstrating. There had, for instance, during the present Session, been a debate on the conduct of Russia towards Poland, and there had also been a discussion on the conduct of an Italian General in the south of Italy. Government had not failed to express their opinion in regard to both of those transactions. He deprecated as much as any one any fussy or meddling interference with foreign States. He entirely disapproved those homilies and lectures that were too often read by our Ministers to foreign States, and which were infinitely more agreeable to the compilers than to the receivers. He also deprecated the conduct of some hon. Members, who ransacked the newspapers for the purpose of putting questions in that House which were of no possible use, and were received by foreign countries with great dissatisfaction. He entirely agreed with what was said in the vacation speech of the right hon. Member for Huntingdon (General Peel), that such intermeddling tended to produce a general feeling of dissatisfaction towards this country on the Continent, and led foreigners to say, in their hearts at least, with Orlando, "I do desire that we should be better strangers." But when a proclamation repugnant to decency, civilization and humanity had been promulgated and put in force against a people endeared to

us by every tie of family, language, and religion, then he did think we had a right to protest against such an enormity, and appeal to the moral sense of the world against an outrage so wicked, so inexcusable, and so useless. Taking the words of the proclamation as he read them, it could signify nothing less than that the ladies of New Orleans, if they showed by word, by gesture, or by movement, contempt for a Northern soldier, were to be subjected to the brutalities of the Northern armies, and handed over to the tender mercies of the scum and the rowdery of New York. That was the interpretation which the words conveyed, and which they had a right to put on them. He had heard that very day that there was no punishment in New Orleans against unfortunate women of the town—they were not placed in the lock-up; there was hardly any instance in which that had occurred. But let them put even the most merciful signification on the words—suppose these ladies were only to be locked up in the calaboose with drunken negroes and all the rascality of New Orleans. Such a punishment was too horrible to contemplate; and for what was this punishment to be inflicted on the ladies of New Orleans? If by word, movement, or gesture they offended the sensibilities of a Northern soldier. Suppose a case of gallantry on the part of such a soldier; if a lady replied to it with that feeling of loathing they felt towards the men, it might be construed into a mark of contempt. If a lady crossed the street to avoid an encounter with a Northern soldier, or made use of any unguarded expression which showed that, though subdued, the people were still unconquered in their determination for freedom, it might be construed into contempt, and for that the ladies of New Orleans might be locked up with the common women of the town. He spoke very strongly, because he felt very strongly. Not more than two years and a half ago he was at New Orleans himself, and he should not readily forget the kindness, the geniality, the ever-ready welcome with which he was received, or the charm, the grace, and gentleness of these ladies. A letter was put into his hand from a Southern young lady a few days ago, in which it was stated, "I am afraid, when you see us again, you will find us entirely changed—we have been so outraged that you will no longer find us the timid retiring women we were." [A laugh.] He thought it too piteous to laugh

Sir John Walsh

at. It was sad enough for tears. He did not appeal to his hon. Friend the Under Secretary of State for Foreign Affairs to reply to this question, but he did ask the Prime Minister of England if he was prepared to do that which he was convinced the ruler of brave and chivalrous France would do, if he had not already done it—namely, to protest against this, the greatest outrage which had been perpetrated against decency in the age in which we lived.

VISCOUNT PALMERSTON: Sir, having been appealed to as I have been by my hon Friend, I am quite prepared to say that I think no man could have read the proclamation to which our attention has been drawn without a feeling of the deepest indignation. It is a proclamation to which I do not scruple to attach the epithet infamous. Sir, an Englishman must blush to think that such an act has been committed by one belonging to the Anglo-Saxon race. If it had come from some man belonging to a barbarous race that was not within the pale of civilization, one might have regretted it, but might not have been surprised; but that such an order should have been promulgated by a soldier—by one who has raised himself to the rank of General—is a subject undoubtedly of not less astonishment than pain. Sir, I cannot bring myself to believe but that the Government of the United States, when they had notice of this order, must of their own accord have stamped it with their censure and condemnation. We received yesterday a despatch from Lord Lyons communicating from the American newspapers the paragraph read by the hon. Baronet—namely, the order of General Beauregard animadverting on and giving the text of the proclamation to which reference has been made. There will be no objection to produce that paper. With regard to the course which Her Majesty's Government may upon consideration take on the subject, the House, I trust, will allow me to say, that will be a matter for reflection. I am quite persuaded that there is no man in England who does not share those feelings which have been so well expressed by the hon. Baronet and my hon. Friend.

#### CHINA.—QUESTION.

COLONEL SYKES said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether Mr. Bruce's letter dated the 1st day of February, 1862, to

which Mr. Consul Harvey's Letter of the 20th day of March, 1862, is an answer (Further China Papers), will be communicated to the House; whether Mr. Consul Harvey has reported the establishment of a Taeping Custom-house at Ningpo; whether Mr. Consul Harvey has communicated to the Foreign Office Copy of the Taeping Customs Tariff; and whether the names of British subjects in the pay of the Tartar Government in the Customs Departments of the five Treaty Ports will be communicated to the House, the names being on the Consular Lists.

MR. LAYARD in reply to the first question said, that the letter to which his hon. and gallant Friend had referred, would be found at page 844 of the papers which had been laid on the table. There might be a mistake as to the date, but no other letter had been received from Mr. Bruce. He thought his hon. and gallant Friend was not justified in making accusations against Consul Harvey. He could not conceive that any one in Consul Harvey's responsible position could be capable of wilfully suppressing information. Up to a very recent date Consul Harvey, who was resident on the spot, reported that no attempt had been made to establish a Taeping custom-house at Ningpo. In reply to the third Question, no such tariff as that referred to had reached the Foreign Office. With regard to the fourth inquiry, the Government were really unable to give the names of all the gentlemen employed by the Chinese Government. They were aware that certain Gentlemen, including Measrs. Lay, Fitzroy, and Hart, men of great ability and integrity, were employed by the Chinese Government to assist them in organizing their customs, which were in a very disordered state. The Government had no official knowledge of the terms upon which they were so employed. Those gentlemen made such arrangement as they thought fit with the Chinese Government, and the Government could not call upon them to send in a statement of their emoluments, as we had no control over them.

MR. WHITE said, that whilst he did not agree with the hon. and gallant Member (Colonel Sykes) in his views with regard to the Taepings, he did not think the Under Secretary had given him a proper reply. The Under Secretary told the House that the English Government had nothing to do with the Chinese customs. *Prima facie* that was a very proper answer to give; but the fact was that the Chinese

customs tariff had been endorsed by Her Majesty's Government. The gentlemen in question were men in high position, holding distinguished offices under the British Government; and though they had resigned those offices with the full knowledge of Lord Elgin, yet the Government declared they were not in a condition to announce their names and emoluments. It was a matter of deep interest to the House to know what was the state of our relations with the Chinese Government. He believed that the policy of the British Government in China had been attended with most calamitous results, and probably would be greatly influenced by the gentlemen nominated by Lord Elgin; and it was therefore important to know their names. He repeated, without wishing to prejudice the general question, that he thought the hon. and gallant Member had not been well treated by the Under Secretary.

#### STATE OF THE IRISH BUSINESS. OBSERVATIONS.

Mr. LONGFIELD said, he rose to call attention to the state of the Irish business now before the House; and to ask the Chief Secretary for Ireland with which of the various Bills relating to Ireland introduced by Government it is intended to proceed this Session. On the 14th of February three Bills relating to Ireland were introduced by the Secretary, and were received with the greatest satisfaction, as being a first attempt to legislate for Ireland early in the year. One of these was the Fairs and Markets Bill, which had not yet passed through Committee. The Poor Relief (Ireland) Bill (No. 2) was in a transition state, and some of the important clauses relating to union rating would probably occupy a considerable period. Perhaps the result would be that legislation would be deferred till a more convenient period. As to the Poor Law Superannuation Bill, notice had been given of an intention to move that it be read a second time that day six months. The object of the Bill was to saddle a large number of officials on the land; and the Amendment would, he dare say, meet with a great deal of support. His object in introducing this subject was to facilitate legislation, and to save the time of hon. Members connected with Ireland, and he hoped the right hon. Gentleman would state distinctly what Irish Bills the Government intended to proceed with during the present Session.

*Mr. White*

MR. MCCANN did not think the Chief Secretary for Ireland was at all blamable with regard to the Fairs and Markets Bill, which had been brought before the House on several occasions. The Amendments introduced had rendered the Bill impracticable, and for those Amendments the right hon. Gentleman was not at all responsible.

MR. VANCE hoped the right hon. Gentleman would announce the abandonment of the Fairs and Markets Bill and the Poor Law Relief Bill. He differed from those who would like to see the right hon. Member for Oxford (Mr. Cardwell) again Chief Secretary, because he preferred in that office the right hon. Baronet the Member for Tamworth. Like all Irish Chief Secretaries, the right hon. Baronet was, however, surrounded by a clique. If he had gone to a body strongly represented in the City of Dublin—the commercial interest—he would have received good advice. He gathered round him the retainers and admirers of the late Sir Robert Peel. The present Chief Secretary made Protestant and Conservative speeches, but they were not followed by Protestant and Conservative actions. The recent appointments in Ireland were exactly similar to those of the late Chief Secretary, who was surrounded by an Ultramontane clique. The right hon. Baronet meant well, but there were obstacles in his way, and those obstacles were bad advisers.

SIR ROBERT PEEL said, he was much obliged to the hon. Gentleman for his good opinion, but the hon. Gentleman was in error in supposing that he was surrounded by any clique. He should scorn to be under the dominion of a clique in the world, and certainly no clique in Ireland had endeavoured to domineer or interfere with the free action of the Government in reference to measures which were intended for the benefit of the country. The question raised by the hon. and learned Gentleman was so comprehensive, that he could not possibly condense his remarks upon it within two hours. It opened the whole question of Irish legislation. He had hoped the hon. and learned Gentleman would begin at eight o'clock, and after speaking three-quarters of an hour allow him ample time to go *seriatim* through the whole of these measures, because he could not do justice to himself or to the Government in replying in a few brief sentences, as he was bound to do at that hour.

The hon. and learned Gentleman said the Bills were introduced early in the Session. The complaint against his predecessor was, that he introduced Bills and referred them to Select Committees. His right hon. Friend adopted that course with regard to the Fairs and Markets, Births and Deaths Registration, and Poor Law Bills, and passed a County Surveyor's Bill. That was all that was done last year. But the three Bills which he (Sir R. Peel) had introduced this year were the result of the labours of those Committees. His hon. Friend complained that he had made little progress with Irish business. He flattered himself that he had made extraordinary progress. He had, on the 2nd of June, made more progress than was in the year 1858 made by his noble Friend and the right hon. and learned Gentleman opposite (Lord Naas and Mr. Whiteside) up to the 29th of July. He thought that the Government were entitled to great credit for the way in which they had forced on Irish business. On Wednesday, the 21st of May, his right hon. Friend opposite introduced the Judgment and Land Debentures Bills; on the following day there was an Irish education debate, which occupied the House from half-past four to twelve o'clock. On the Friday the House was engaged from five minutes past nine with Irish business. On the Wednesday following, the Irish Fisheries Bill occupied the whole day; on the Thursday, the Poor Relief Bill was before the House all night. The charge that the Government had not been desirous of forwarding the Irish business was most unfounded. The great difficulty which he experienced was, that Irish Members would not go on after twelve o'clock. The Scotch Members would sit until half-past one or half-past two o'clock, but he could not get a single Irish Member to support him in going on with business after twelve. The other night, on the Poor Law Bill, the adjournment of the House was moved at half-past nine o'clock, and two divisions were taken in order to compel him to give up a certain point. How was it possible for any man in his position to proceed with important business if he was exposed to such hostility? The Poor Law Amendment Bill was read a second time on the 21st of February; the Fairs and Markets Bill had gone through Committee by the 20th of March; and the Births and Deaths Registration Bill was read a second time on the 1st of May. That was very extraordinary progress, and such as no Govern-

ment had made before. The Fairs and Markets Bill had been before the House for nearly ten years. Surely hon. Members had had sufficient time to consider it. If the commercial interests did not approve it, they could stop its progress; but do not let them throw discredit on the Government for the course which had been adopted with regard to it. The Poor Law Amendment Bill had been introduced in 1855, 1856, 1858, 1859, 1860, and 1861, and most of its clauses had been recommended by Chief Secretaries for Ireland, among others by his noble Friend and the right hon. and learned Gentleman the Member for the University of Dublin.

MR. WHITESIDE: I never recommended the Bill.

SIR ROBERT PEEL: Your name is on the back of it.

MR. WHITESIDE: Not of your Bill.

SIR ROBERT PEEL said, that his Bill differed but very slightly from that in the introduction of which the right hon. Gentleman concurred. The great difference with which the right hon. Gentleman attempted to fix him was in the words "or otherwise," which had actually been before the House since 1858, when they occurred in the Bill of his right hon. Friend the Member for Kerry (Mr. H. Herbert). Yet the right hon. Gentleman had insinuated that he was endeavouring to endow convent schools out of the rates. Such an idea never entered his head; and the intention and object of the words were perfectly clear and simple. The Births and Deaths Registration Bill had also been frequently before the House, and the only point in which his measure differed from that of his right hon. Friend (Mr. Cardwell) was, that he had preferred the plan of his noble Friend (Lord Naas), who was an Irish country gentleman supported by the majority of Irish country gentlemen, and had proposed to employ the constabulary instead of the medical officers. His (Sir Robert Peel's) only object was to pass such measures as would be suitable to Ireland, and would prove beneficial to the interests of that country. There were other Irish measures also before the House. Among these were the Weights and Measures Bill, and the County Surveyors Bill, which stood for Committee on the 17th of June; the Poor Law Superannuation Bill, which was read a second time on the 15th of May; the Registration of Assurances Bill, read a second time on the 2nd of June;

and the Bastardy Bill, which had not been read a second time, because he was desirous, if possible, of first passing the Poor Law Amendment Bill. He was desirous, if possible, of proceeding with the Fairs and Markets Bill, and he hoped the Irish Members would support him in his endeavour to pass it during the present Session. He hoped to pass the Poor Law Amendment Bill. With regard to the subject of registration, he should observe that he had intended to introduce a Bill for the registration of marriages, but he had refrained from doing so in deference to the hon. and learned Member for Belfast (Sir Hugh Cairns), who had a Bill for that object before the House. If the Irish Members wished it, he did not see why he should not be able to send the Births and Deaths Registration Bill up to the Lords by the beginning of next month. The Registration of Assurances Bill had been read a second time on the understanding that it was to be referred to a Select Committee. After consultation with his hon. and learned Friend the Solicitor General, and his right hon. Friend the Home Secretary, he thought it would be impossible to proceed further with that Bill this Session. The Poor Law Superannuation Bill was one of great importance, and he did not see why it should not pass this Session. He also hoped to pass the County Surveyors Bill and the Weights and Measures Bill. During the recess between August and February he had applied himself, almost without intermission, to a consideration of this subject; and, whether in office or in opposition, he should lend his cordial aid towards passing those measures which he believed to be of importance to Ireland.

MR. WHITESIDE thought the House was indebted to the hon. Member who had put this Question, as they were now likely to be relieved of a great amount of labour. The upshot of the reply of the right hon. Baronet was this—that with the exception of the Fairs and Markets Bill, all the Irish measures were to be withdrawn. He gave credit to the right hon. Baronet for industry; but the real cause of his failure was, not any want of a disposition to do what was useful, but that he had no support—no party to back him. This was not the fault of the right hon. Gentleman, but that of the Ministry he served. He thought the right hon. Gentleman had acted wisely in withdrawing those Bills; for he inferred that the

right hon. Baronet felt he could not carry any of them. He thought the House would feel obliged to the right hon. Gentleman for having relieved their minds of the apprehension that any of his unfortunate measures would become the law of the land.

MR. DAWSON said, he did not hold the Chief Secretary for Ireland responsible for the present state of things. The period of the Session when several of those measures were introduced, was a proof of the earnest intentions of the Government; and the House would recognise the assiduity and attention of the right hon. Baronet to all Irish measures. He did not approve of all of them; and, looking at the little progress made in them, and the number of Amendments proposed, he augured unfavourably of the disposition to accept any legislation at the right hon. Baronet's hands. If the Session was to be thrown away as far as Irish measures were concerned, the fault would not be with the Chief Secretary. The failure arose from other causes.

MR. HENNESSY complained of the waste of time caused by the discussion of measures which, he believed, the Government never intended to pass. He did not, however, attribute the blame to the right hon. Baronet—he thought that the failure of the Irish legislation was due to the unprecedented position of the Chief Secretary, who was without any legal assistance from the Law Officers for Ireland. The anti-Irish policy of the Government was so unpopular that they could not secure the return of any Irish Minister. It was the Irish policy of the Government that had caused the delay and complication of the Irish business.

COLONEL DUNNE thought, though the Fairs and Markets Bill was opposed by the agricultural population as well as by the Chambers of Commerce of Dublin and Waterford, that the weights and measures clause was a good one. He also approved the object of the Registration Bill. As to the Superannuation Bill, the right hon. Gentleman would not be able to pass it, for the people of Ireland could not and would not submit to it.

MR. MONSELL said, that last year something like a pledge was given by the Government that in the present Session an attempt would be made to pass an Irish Poor Law Bill. This was a subject which ought to be dealt with, and which did not admit of any delay, and he should regret

*Sir Robert Peel*

if the Government did not redeem their pledge. As to the other measures, he did not look upon them as of so much importance, though he hoped that the Fairs and Markets Bill would pass into a law.

MR. M'MAHON thought that the right hon. Gentleman had made a bad choice in resolving to proceed with the Fairs and Markets Bill, which was objected to by the Chambers of Commerce throughout Ireland. He concurred in the opinion expressed by the hon. Member for Limerick (Mr. Monsell) that the right hon. Baronet should have elected to proceed with the Bills for the amendment of the Irish Poor Law.

LORD NAAS hoped that whatever Irish Bills were pressed forward this year, some early day would be appointed for the discussion upon them. Irish Members could not be expected to remain in town much after the first week in July.

GENERAL UPTON hoped that the right hon. Gentleman would persist in proceeding with the Fairs and Markets Bill.

MR. COGAN looked upon the Poor Law Amendment (Ireland) Bill as much more important than the Fairs and Markets Bill.

SIR FREDERICK HEYGATE differed from the hon. Member, and thought the Fairs and Markets Bill much more important than any other Irish measure.

House adjourned at half after One o'clock till Monday next.

HOUSE OF LORDS,  
Monday, June 16, 1862.

MINUTES.]—PUBLIC BILLS.—2<sup>a</sup> Dublin Cattle Market; Education of Pauper Children; Retiring Pay, &c. (British Forces, India); Landed Property Improvement (Ireland) Act Amendment.

ITALY.—QUESTION.

THE MARQUESS OF NORMANBY rose to ask the noble Earl the Secretary of State for Foreign Affairs the Questions of which he had given him notice on a previous evening. His Questions related to certain recent extraordinary occurrences in Northern Italy. The recent liberation of prisoners in Naples might be regarded in either of two lights. It was either an indication that the Italian Government was desirous of maintaining the peace of Europe by the

observance of international obligations; or, on the other hand, it might be intended to have a bearing on the proceedings of Garibaldi and his friends, of which intelligence had been received within the last few days. A manifesto or proclamation, signed by Mazzini, had recently been published in Naples, the Italian text of which he held in his hand, in which Mazzini stated, that having tried the experiment of an Italian monarchy under the House of Savoy, and having found it a failure, he was determined to resume his old course of agitation. A letter recently published under the name of Garibaldi appeared rather to point to the direction which the projected expedition was intended to take; for it had been clandestinely circulated through the Venetian provinces, and it stated that 100,000 valiant men were at the gates. He wished therefore to know, Whether the noble Earl had received any information from Sir James Hudson on the subject; and whether he was prepared to lay the despatches containing it on the table of the House. Also, whether he had received any report from our English Commissioners sent to examine into the state of the Neapolitan prisons; and, if so, whether he had any objection to lay it on the table?

EARL RUSSELL said, he had no objection to produce any despatches of a public character which had been received from Sir James Hudson. With respect to what had occurred recently in Northern Italy, he must observe, that there was a great deal of obscurity in the reports regarding those events. Her Majesty's Government had not as yet received an official account of them. There was no doubt, however, that persons either authorized by Garibaldi, or using his name, had endeavoured to get up an expedition, whether intended for the Tyrol, or for Rome, or to cross the sea, he could not say; but certainly intended against a foreign and a friendly State. Those expeditions had been frustrated by the Italian Government, and certain persons connected with them had been arrested and sent to a fortress. It was stated that they had since been liberated, but he had received no information on the subject. No doubt he should soon receive an official account of the facts. The Italian Government, whether in answer to the representations of Her Majesty's Government, or to those of the Government of the Emperor of the French, had stated that they would use their best endeavours to prevent any such

expedition leaving their shores against any foreign Power. His noble Friend said, that a paper had been circulated by Garibaldi in Venetia promising the inhabitants the aid of 100,000 men. No doubt it was the expectation of the persons who got up this expedition that the Italian Government would be forced, willingly or unwillingly, to join in them, whether the expedition was intended to raise an insurrection in Hungary or the Danubian Provinces. He had not received any papers on the subject. No British Commissioner had been sent to inspect the prisons at Naples.

LORD BROUGHAM said, the proceedings referred to by his noble Friend near him were contrary not only to the peace of Europe, but to the best interests of the kingdom of Italy. Those attacks, or pretended attacks, upon Austria, whether designed for the Adriatic or the Tyrol, could only be conceived and could only be attempted by persons profoundly ignorant of the interests of the kingdom of Italy. His belief was that General Garibaldi's name was often used without his consent or knowledge. At the same time he must say that, great as was his admiration for that distinguished person in his military capacity as a great partisan warrior, and admitting that he had performed great services as a partisan, he had not the same respect for him as a statesman. As for Mazzini, he had not the least respect for him either as a warrior or as a statesman. As a warrior, he had never exposed his person in any one way; and as a statesman, he was only engaged in conspiracies.

#### CANADA—EMBODIMENT OF THE MILITIA.—QUESTION.

LORD LYVEDEN rose to ask the noble Duke the Secretary for the Colonies, Whether he could give any information respecting a proceeding of an extraordinary nature, which had recently occurred in the Canadian Legislature? That act was the rejection by the majority of that assembly of a Government measure for the embodiment of the Colonial Militia. Possibly the rejection of that Bill might be explained; but it appeared to him that this was a strange return for the promptness with which the mother country had sent out troops to Canada to support her interests at a time when they were seriously threatened. He wished to know whether the

*Earl Russell*

noble Duke had received any despatches from the Governor General of Canada on the subject, and whether he was prepared to make any statement as to the causes which had produced this extraordinary act, an act that had caused a great sensation in this country.

THE DUKE OF NEWCASTLE: My Lords, I am not at all surprised that the noble Lord should ask for any information which I may possess on this important subject; but I am not in a position to give any further information than the noble Lord has gleaned from the newspapers, nor is it likely that it should be so, because your Lordships must see that the motives which have produced this result can only be matter of speculation and opinion, and could not well be the subject of a despatch from the Governor General, Lord Monck. I may, however, briefly recapitulate the facts in relation to this matter. It is well known to many of your Lordships that a Militia Bill passed through the Canadian Legislature seven or eight years ago; but owing to certain circumstances the militia force has only existed on paper, the measure not having been carried into effectual working. In consequence of the events of last winter, and of the earnest recommendations forwarded to Canada, a commission was appointed three or four months ago for the purpose of considering the whole of the militia arrangements of Canada with the view of amending them. That Commission consisted not only of Canadians but also of some British officers, who went over with the reinforcements in December, and the result was the introduction of a Bill, which was brought forward in the Legislature of Canada in the beginning of last month. The Attorney General, Mr. Cartier, moved the second reading of the Bill on the 20th of May, and a division was taken almost without discussion, which resulted in the rejection of the Bill by 61 to 54. The Ministers of the Governor General tendered their resignations on the following day, and they were accepted. The Governor General then sent for Mr. Sanfield Macdonald to form a Government, and he has succeeded in forming a new Administration. So far, I believe, the statements in the public prints are correct; but there is one incorrect statement. I have seen it stated in several papers that the result of this course was the dissolution of the existing Parliament. That is not so. Parliament has not been dissolved, so far as I have the

means of knowing, and I believe there is no intention on the part of the new Government to recommend the Governor General to resort to that step. The noble Lord says that this event has caused a painful feeling in this country. No doubt of it. And I believe the Canadian people are aware of the unfavourable impression which that act of the Legislature has produced in this country. I cannot distinctly state the reasons which led to this Vote, but I believe they were very mixed—twofold, at least. In the first place, there was an impression among many Members of the Canadian Legislature that the Militia Bill was not one which would be found to work well in that colony. They thought it had too much of the character of a conscription, and that the adoption of the Volunteer principle would be a more palatable and effective measure. I will not express my individual opinion, but to that feeling I believe has been superadded a personal feeling against the late Ministry. I believe that the Vote was regarded as a Vote of want of confidence in the late Government. But, speaking only as an Englishman, and as an ardent friend of Canada, I can but confess my deep regret, that if this was one of the motives which prompted the rejection of this Bill, such an inopportune occasion should have been chosen for manifesting it. I will not say whether such an opinion was justifiable or not; but after the events of last winter, and after the display of noble English feeling on the part of this country in at once sending out troops to Canada, I cannot help regarding this division as most inopportune and most unfortunate. At the same time I by no means despair of the disposition of the Government and Parliament of Canada to introduce and pass another Militia Bill as good and effective as that which has been rejected. Of this I am certain, that the Ministry and Parliament of Canada will not be acting in the spirit of the Canadian people if they do not pass such a Bill, for I am confident that both sections of Canadians—the French equally with the English population—are most desirous that some measure should be passed before the coming winter for the effectual defence of Canada. So far as I am concerned I shall continue to give my earnest exhortation and advice to the Governor General and the people of Canada, both privately and officially, not to rest till some effective measure for the defence of Canada has been passed.

DUBLIN CATTLE MARKET BILL,  
SECOND READING.

THE DUKE OF LEINSTER moved, that the Bill be now read 2<sup>d</sup>.

THE EARL OF DONOUGHMORE moved as an Amendment that the second reading be postponed till that day three months. The Bill, he said, was a measure which, under the guise of a private Bill, dealt with great public interests and should be dealt with as a public Bill. It was proposed to establish another market in the east end of the city of Dublin, and to the site fixed on there was the strong objection that in order to reach it the cattle would have to be driven through the streets entirely across the city. The management of any market ought to be left in the hands of the Corporation, who were the proper parties to make regulations. There were many persons whose interests would be affected by the Bill, but who could not be heard before a Select Committee, and he thought that the best way would be that the whole subject should be inquired into by a Royal Commission in the same manner that a Royal Commission had inquired into the best mode of erecting markets for the metropolis. He had a petition, signed by 1,514 sellers in Dublin market, and fifteen other petitions, signed by 2,351 ratepayers of Dublin, against this Bill. He hoped such a strong expression of opinion on the part of those best acquainted with and most affected by this Bill would induce their Lordships to give their support to his proposal.

Amendment moved, to leave out "now," and insert "this day six months."

THE EARL OF CLANCARTY trusted their Lordships would not refuse the second reading, for to do so would render the inquiry into the subject by the other House of Parliament valueless. The Bill sought to remedy a great public evil and supply a great public want. The measure had been fully considered before a Select Committee of the House of Commons, and entirely approved by them. The example of the inquiry by a Royal Commission for the metropolis was not analogous to the present case. In London the Committee of the House of Commons refused to name any particular site for the new markets, and suggested that a Royal Commission should be issued to make the necessary

inquiries. In the present case, however, the Select Committee had reported that the site proposed in the Bill was the best that could be selected. The Corporation of Dublin acted like the dog in the manger in this matter, because they neither could nor would effect this necessary improvement themselves, nor allow any other persons to do it. He hoped their Lordships would read the Bill a second time. It would remedy a great abuse, and supply a large amount of required accommodation in the best possible manner.

LORD REEDSDALE said it was not their Lordships' practice to discuss private Bills on the second reading, and he thought they would not be disposed to depart from that course with regard to the present Bill from anything they had heard to-night. He did not mean to say that in no case should a Bill be opposed on that stage; but his noble Friend who moved the Amendment had stated nothing to take this Bill out of the usual rule. He trusted, therefore, the noble Earl who had opened the discussion would consent to withdraw his Amendment and allow the Bill to go to a second reading.

EARL GRANVILLE, with reference to a suggestion which had been made to refer this matter to a Royal Commission, observed that he was not prepared at once to adopt that course; but if the Bill were now read a second time and referred to a Select Committee, and if that Committee recommended the issuing of a Royal Commission, he should then be prepared to accede to it.

LORD CLONCURRY believed the Bill, if passed, would be most disastrous to the agricultural interests of Ireland.

THE EARL OF DONOUGHMORE said, he would withdraw his Amendment.

Amendment (by leave of the House) withdrawn; Then the original Motion, agreed to; Bill read 2<sup>d</sup> accordingly, and committed; the Committee to be proposed by the Committee of Selection.

#### MERSEY, IRWELL, &c. PROTECTION BILL.—COMMITTEE.

House in Committee (according to Order).

##### Clause 4.

LORD PORTMAN moved the omission of the words "stones, brickbats," and to insert "the refuse of any brickyard," there being nothing in the evidence taken before the Select Committee to show that

any injury had resulted from the throwing of stones into the tributary streams of the Mersey and the Irwell.

THE LORD CHANCELLOR objected to the clause altogether, and wished to draw their Lordships' attention to the serious nature of the principle it involved. The clause proposed to alter the law by substituting a penal procedure for what, as far as it was the subject of law at all, had hitherto been met only by a civil proceeding. This was a very serious change to make in an obscure clause in an obscure private Bill. The clause under consideration proposed to make it a penal thing to throw an obstruction into a stream, although that obstruction might be of a nature which would neither pollute the stream nor in the smallest degree interfere with the flow of the water down to the navigable river. In common reason the thing to be prohibited should be described to be something done in such a manner as to produce one or both of the two evils the existence of which it was the object of this clause to prevent. He trusted the clause would be so modified as to make it an offence only when the thing done was productive of injurious consequences.

Lord CHELMSFORD said, the objection of the noble and learned Lord went to the entire Bill; but he was not quite accurate in stating that they were about to substitute a penal procedure for that which was, at the present moment, only the subject of a civil proceeding. Legislation had, in fact, been rendered absolutely necessary in the present case. It seemed there were a variety of tributary streams which poured their waters into the Mersey and the Irwell, and on those tributaries there where many hundreds of manufactories which had been in the habit of depositing near the adjacent streams, or throwing into them, certain refuse, to be carried in successive floods down to the navigable streams the Mersey and Irwell. The navigation had been very much impaired in consequence. In fact, the evil had increased to such an extent that in 1859 there were 27,000 tons of refuse sent down to the navigation; in 1860, there were 63,000 tons; and in 1861, 92,000 tons. There could be no doubt that any person who sustained a private injury might bring an action against the party to whom such injury was attributed; but the difficulty in the present case was to ascertain to whom the injury was to be

*The Earl of Clancarty*

ascribed. Of course, supposing they could bring home to any individual the fact that he had impeded the public navigation, he would be liable to an indictment; but it was clear in this case that the mischief was acknowledged, and that no practical remedy existed. What therefore were they to do? The Bill merely proposed to give the parties the means of preventing the mischief which was acknowledged, by making it a penal offence to throw materials into those streams which might be carried down to the navigation of the Mersey and Irwell. This was not the first time that such a provision had been introduced into a private Bill. Penal clauses, under similar circumstances, had been introduced into the Bolton Improvement Act of 1854, the Salford Improvement Bill, the River Navigation Act, and the Mersey Docks Act, 1858. He therefore apprehended their Lordships would not think there was anything in the objection of the noble and learned Lord.

LORD STANLEY OF ALDERLEY declined to discuss the principle of the Bill, but supported the Amendment, the whole of the evidence showing that the only things complained of were cinders.

THE LORD CHANCELLOR said, that what he contended for was simply that the act done and described in the Bill as constituting an offence should be regarded as an offence only in the event of it being attended with the pollution of the waters of any particular stream or an obstruction of its navigation.

THE EARL OF DERBY supported the clause, maintaining that the penalties which it proposed to inflict were imposed by a number of provisions in existing Acts.

*Clause amended, and agreed to.*

*Clause 9 struck out.*

*Remaining clauses agreed to.*

Report of the Amendments to be received to-morrow; and Bill to be printed as amended [No. 105].

#### EDUCATION OF PAUPER CHILDREN

BILL—[Bill No. 94.]

SECOND READING.

Order of the Day for the Second Reading read.

THE EARL OF DEVON, in moving the second reading of this Bill, said, that it had been sent from the other House where it had received careful consideration. Its object was to enable boards of guardians to provide education for pauper children in

certain cases in which, as the law at present stood, they could not now do so. It was universally admitted that pauperism could not be checked until they nurtured the children in habits of self-reliance, independence, and morality, and that those qualities were only to be cultivated by a proper system of education, separate and apart from the workhouse system. He was not disposed to deny that in a considerable number of workhouses everything which could be done was done for the education of pauper children; but it was well known to all who took an interest in the question that a workhouse was a place in which the education of a child could only be carried out under most disadvantageous circumstances. By the first clause the guardians were empowered to send any poor child to certain certified schools, supported by private individuals, and to pay for their maintenance while there a sum not exceeding the average cost of a child in the union. No child, unless an orphan or deserted, could be sent to such a school without the consent of the parents; nor could it be kept at the school longer than the parents were willing. No child was to be sent to any school conducted on principles of a religious denomination to which the child did not belong. The noble Earl said, that if the measure was read a second time, he should propose a clause in Committee limiting the operation of the Bill to England. He recommended the measure to their Lordships as an important auxiliary to the Poor Law in a difficult part of its operation.

*Moved, That the Bill be now read 2<sup>a</sup>.*

After a short discussion, in which Lord LYTTELTON and the Earl of HARROLD took part,

LORD REDESDALE said, he would not object to the second reading, but he did not think that the Bill would be attended with all the advantages expected from it.

*Motion agreed to;* Bill read 2<sup>a</sup> accordingly, and committed to a Committee of the Whole House on Thursday next.

#### HER MAJESTY'S ACCESSION.

THE EARL OF DERBY asked, whether it was proposed that the House should sit on Friday next, the anniversary of Her Majesty's accession?

THE LORD CHANCELLOR said, he had been informed by the officers of the

House that it was an invariable rule of their Lordships not to sit on that day.

**RED SEA AND INDIA TELEGRAPH COMPANY BILL**—[Bill No. 70.]  
THIRD READING PUT OFF.

Order of the Day for the Third Reading read.

THE EARL OF CAMPERDOWN objected to a measure which proposed to sanction an agreement that was not set forth. In Bills of this kind, involving large sums of money, the agreement should be included in a schedule.

THE DUKE OF ARGYLL said, that the agreement with the new Company had been laid before Parliament, and had been some months before the House. The Bill was not for the purpose of giving validity to the entire of that agreement, but simply to sanction the transfer of the cable and other property from the old to the new Company, and the conversion of the £36,000 into annuities. It was a Bill to make the best of a bad bargain.

LORD LYVEDEN hoped the noble Duke would postpone the third reading, and consider in the mean time whether the agreement could not be introduced into the Bill.

THE DUKE OF ARGYLL believed that the agreement with the new Company was a sensible one, and the question of scheduling it was a mere matter of convenience.

LORD REDESDALE remarked, that the transfer of the property was made at a certain price, and that price was not mentioned in the Bill, as he thought it ought to be.

THE DUKE OF ARGYLL said, it was really a question of form. The bargain had been made, and the only point was whether it would be advisable that the agreement with the new Company should be scheduled. He did not think it was, but he was willing to postpone the third reading for a week or ten days to obtain further information.

Third Reading put off to Thursday next.

House adjourned at Eight o'clock,  
till To-morrow, half-past  
Ten o'clock.

HOUSE OF COMMONS;

Monday, June 16, 1862.

MINUTES.]—PUBLIC BILLS.—<sup>1</sup> Petroleum; Coal Mines.

<sup>3</sup> Discharged Prisoners' Aid.

The Lord Chancellor

**OMNIBUS FARES.—QUESTION.**

MR. DAWSON said, he would beg to ask the Secretary of State for the Home Department, Whether, in the absence of any present limitation of Fares demanded by Conductors of Omnibuses in the Metropolis, it would not be desirable to place these public conveyances under the same regulations as Hackney Carriages; and, whether the Government would undertake legislation with that object?

SIR GEORGE GREY said, it was impossible to adopt the same regulations with regard to rates and fares of omnibuses as were applied to Hackney Carriages. Omnibus came under the general description of stage carriages that ran from one fixed point to another, picking up passengers along the route; and it was not possible to fix any general table of rates which could be applicable to them. There was, however, this regulation: that Conductors could only demand the rate (which must be uniform for all passengers) between certain distances, which was conspicuously painted within the omnibus, so that passengers on the journey might see the fare which the Conductor was entitled to demand.

MR. DARBY GRIFFITH said, he wished to ask if omnibus proprietors could not be compelled to paint the table of fares outside the omnibuses as well as inside?

SIR GEORGE GREY said, the law required that a table of fares should be conspicuously painted within the omnibus, the object being that passengers while sitting in the omnibus should have an opportunity of seeing the precise sum that could be demanded from them, and no more could be demanded than was placed on the table.

MR. DARBY GRIFFITH said, he wanted to know whether the fares should not be put outside the omnibus, so that people might see them before they got in?

SIR GEORGE GREY replied, that he had stated what the law actually was.

**EXAMINATIONS UNDER THE REVISED CODE.—QUESTION.**

Lord ROBERT CECIL said, he rose to ask the Vice President of the Council on Education, Whether arrangements have been made at the Council Office for the appointment of Clerks and Deputy Inspectors to assist in the Examinations required by the New Code; and whether, before such appointments are made, an

Estimate of the Expense to be incurred on that account will be laid before Parliament?

MR. LOWE replied, that no such appointments had been made, nor was it expected that any would be needed during the current financial year. When the Estimates were presented next year, they would include a provision for any change which might be found necessary.

#### QUEEN'S COLLEGES (IRELAND).

##### QUESTION.

MR. HENNESSY said, he wished to ask the Chief Secretary for Ireland, when he will lay before the House his Scheme for reducing the Professorships in the Queen's Colleges, and appropriating to other purposes the Grant now given for maintaining the libraries and lighting and cleansing the buildings.

SIR ROBERT PEEL said, that now Parliament had consented to appropriate a certain sum, it would be necessary that the proposal for its application should be submitted to the Senate and the Chancellor of the University, and should afterwards be carried out by Royal Statutes.

MR. HENNESSY said, he wished to know what reduction was to take place in the number of Professorships?

SIR ROBERT PEEL replied, that nothing could be done in the matter until the Chancellor of the University had been consulted.

#### CONSUL AT LAGOS.—QUESTION.

LORD ROBERT MONTAGU said, he wished to ask the Under Secretary of State for Foreign Affairs to explain (which the hon. Gentleman was not able to do the other evening) how it was, that although Lagos had been annexed by this country, there was in the Estimates a charge of a Consul at that place?

MR. LAYARD begged to explain, in answer to a Question put to him on a previous evening, that the Governor of Lagos and the Consul were one and the same person. The Governor had consular powers in the Bight of Benin, and was paid £500 out of the Colonial Estimates, and £500 out of the Foreign Office Estimates.

#### TRANSFER OF LAND BILL (LORDS).

[BILL NO. 101.] COMMITTEE.

Order for Committee read.

Motion made, and Question proposed; "That Mr. Speaker do now leave the Chair."

SIR HUGH CAIRNS rose to move an Amendment that the Bill should be referred to a Select Committee. He hoped he need hardly say that he had no hostility to this Bill. On the contrary, he was most anxious that a measure of the kind should, in some shape or other, be passed; but it was a measure of such gravity and importance that he desired, that if it were passed, it should be made as perfect as possible. Some persons thought that this was only a permissive Bill. Although it was permissive in the sense that no person need take his title to be investigated and registered unless he chose, it was not permissive in this sense, that no sooner did any person take his title to be examined than there commenced a course of action which would bring him into conflict with all surrounding owners of land, who would have no choice or option in the matter. If any owner of an estate desired that his title should be registered, it would be necessary that the boundaries of that estate should be accurately ascertained, and all the owners of surrounding property, with whom there might have been disputes as to boundaries which had laid dormant for thirty or forty years, must be placed in antagonism with him, in order to see that their property was not encroached upon. The same thing would occur as to rights of road, rights of way, rights of sporting, or rights of drainage. He did not say that this was improper—probably it was necessary—but at the same time it materially detracted from the permissive character of the Bill. In one respect, however, this Bill differed from all others which had been proposed; it provided that after a title had been registered, the contents of all deeds affecting the estate should be placed upon the register; and therefore the state of things which he had represented as arising upon the registry of the title would be reproduced upon the occasion of every subsequent dealing with the estate. The measure, though permissive in terms, was really compulsory in substance. Moreover, the Bill was admitted by the Government to run entirely counter to the Report of the Royal Commission which considered this subject and made its Report in 1854. The present Lord Chancellor, the Vice President of the Council of Education (Mr. Lowe), and the present Speaker were

Members of that Commission, and concurred in that Report, and so did, with certain exceptions, the Advocate General. The Commission made a Report totally condemnatory of a system of registration of deeds, as coupled with a registration of titles, a system to which the present Bill gave effect. Under these circumstances he ventured to think that the measure required very peculiar examination. It would doubtless be urged that the Bill had undergone consideration in a Select Committee of the other House, and came down with the sanction of that House. But in the first division, upon the question whether there should be a registry of lands as provided by the measure, there were in the minority some of the most eminent legal Members of the House of Lords. Therefore it must not be presumed that there was anything like a concurrence of the legal Members of the other House in the provisions of the Bill. Another singular circumstance connected with this Bill seemed to put an end to the idea that its provisions had been carefully considered; for there had come down from the Lords another Bill, called the Declaration of Title Bill; so that the other House had passed two measures having identically the same object in view. The Solicitor General intimated the other night that he should be prepared at the proper time to incorporate the Declaration of Title Bill with the provisions of the present Bill; but this, he thought, would be rather a difficult thing to effect. Of course, upon such a Motion as he now made, it would be improper to go into a consideration of the details of the measure; but he would simply refer to three or four clauses, and then ask hon. Members whether the Bill could be satisfactorily discussed in the whole House. By the fifth and three following clauses it was enacted, that if any owner of property brought his title to be examined and registered, the title should be examined by the registrar and the examiners of title in such manner as a general order should subsequently direct. Therefore all the information vouchsafed was that the examination should take place in some way to be defined, not by Parliament but by a general order. Consequently Parliament had no security as to the mode in which this was to be done by the registrar and examiners of title. He had looked through the Bill to discover what were to

be the qualifications of these examiners, but he could find nothing except that the Lord Chancellor might appoint as many as he pleased; and, for aught that appeared in the Bill to the contrary, they might be street-sweepers. It was not stated that they were to be conversant with the law, or what was to be their remuneration, which, of itself might afford some indication of the qualifications expected. Another provision was to the effect that no title should be accepted for registration as indefeasible, save such as a court of equity would deem valid and marketable. That principle was wholly unknown in the country, Ireland, from which the present measure was professed to be taken; and the principle laid down as the basis on which the Examiners should proceed was entirely wrong; for a court of equity, having two persons before it, the purchaser and seller, might decide as between those two, and these parties were bound by the decision; but it never decided as to third parties. The sixth clause provided that any question, doubt, or dispute as to any matter of title might be referred to such Judge of the Court of Chancery as the Lord Chancellor might direct. No idea was given of the sort of questions to be referred; so that if the registrar or examiners were bold and rash men, they might decide matters themselves, according to their own discretion; and if they were timid or slothful, they might refer all manner of questions to the court. The seventh was a most strange clause, for it declared, that on investigation, if it should appear that the title was good and marketable, save in respect of some contingency which had not happened—why, whoever heard of a contingency that had happened?—or of some uncertainty which could not be ascertained—as if an uncertainty could be ascertained—then it should be lawful for the Judge of the Court of Chancery to declare the title subject to that contingency or uncertainty. An owner, subject to the contingency, suppose, of his son attaining the age of twenty-one years, would, under that clause, have difficulties to contend with before he could have his title registered; and after he had succeeded in doing so, all the litigation and trouble should be gone through again by his son. But the climax was reached in the eighth clause, which provided, that if the title should be found to be good and marketable, the applicant should then furnish to the registrar, whose duty it was to examine and settle it for the pur-

*Sir Hugh Cairns*

poses of registration, an exact description of the lands to be registered, and also a statement of the person or persons who were or might become entitled to the lands, their respective interest in the lands, and the incumbrances to which they were subject. In other words, the title was, in the first instance, to be declared good and marketable, and then the owner was to produce proofs that it was so. How the title was to be declared good in the absence of those most essential matters which were not to be brought forward until the title was approved of, he could not see. Such a clause as that might be put into working order in a Select Committee; but could not, he believed, by a discussion across the floor of the House. It might be alleged, that referring the Bill to a Select Committee would occasion delay and inconvenience at this period of the Session. He was anxious that the Bill should pass, and pass this Session; but there was a more important consideration than the passing of a Bill, which was, that it should be made as perfect as possible in its details, and likely to prove as efficient as possible in its working. The principal object was not the passing of a Bill, but the passing of a good Bill. It might be inconvenient to members of his own profession to serve on a Select Committee at this time of the year; but he felt no doubt that referring the measure to such a Committee would economize the time of the House. He did not think it was open to Government to object to that course on the ground that it would cause delay, because the Bill had come down from the Lords as long back as the 2nd of May; and if the Government had been anxious to press it forward, they might have done so. Believing that all the objections to the measure might be remedied most effectually upstairs, he begged to Move that the Bill be committed to a Select Committee.

**Amendment proposed,**

To leave out from the word "That" to the end of the Question, in order to add the words "the Bill be committed to a Select Committee,"—instead thereof.

MR. COLLIER trusted that the House would not accede to the Amendment of the hon. and learned Gentleman even if the Government were prepared to do so. The intentions of the hon. and learned Gentleman opposite might be friendly, but his act would be fatal; he never remembered an instance of a Bill refer-

red to a Select Committee at this period of the Session having been heard of again during the same Session. This measure concerned more or less every Member of the House, and he therefore hoped that hon. Gentlemen who were not lawyers would take part in its discussion. There was nothing in it so abstruse that its provisions could not be comprehended by a House of landowners. What points had the hon. and learned Gentleman mentioned which could not be comprehended by any hon. Member? Moreover, it would be far more convenient to his hon. and learned Friends, who were engaged in their professional pursuits during the day, to consider the details of the measure in the evening sitting. He would not follow his hon. and learned Friend into his minute criticism of one of the clauses, but he put it to the House whether any one of the matters brought under their notice could not be discussed as well in the House as in Select Committee. One question to be determined was, whether the measure should be permissive or compulsory. Why could not any hon. Member take part in determining that question? One of the chief objections of the hon. and learned Gentleman to the Bill was, that it would appoint a new Judge. The House could determine that question, as it had a similar one when the Bankruptcy Bill was discussed. A reform of the system of transferring land was not a new question; it had been debated for upwards of thirty years, and during that period several attempts had been made to effect a reform. The time for detailed discussion had passed. There never was a Session in which the House had so much leisure as in the present; and when hon. Gentlemen went down to their constituents in the autumn, they might have some difficulty in accounting for their time this Session. But he was in hopes that they would be able to say:—At all events we have passed one very important measure, which simplifies the title to land, facilitates its transfer, abolishes laborious investigation into the history for the last thirty years of every plot of land to be sold in the kingdom, decreases lawyers' bills, and increases the value of land. If the House would apply itself resolutely to the task, there was still time to pass that measure.

MR. WALPOLE joined in the hope that the measure would pass during the

present Session, but he was confident that in order that it might do so, it would be necessary to refer the Bill to a Select Committee in order that the details might be settled of that to which there was no objection in principle. He was certain that the Bill could be discussed upstairs in a few days, and put into such a shape that the House would be able to adopt it without much discussion. The Bills for the consolidation of the statute law had failed Session after Session till they were referred to a Select Committee, and then the House accepted without hesitation the points as to which it was reported that there was no objection. If the House went into Committee upon this Bill, they would be taking up by far the most extensive and important measure with reference to the landed property of the country which had been submitted to Parliament for a long period, and no effort should be spared to make it perfect. Other Acts might be passed, and if their operation proved unsatisfactory they could be amended in a future Session; but the difficulties which might arise under the operation of this Bill, if passed in its present shape, would be difficulties which could not hereafter be remedied, for they would be inherent in the subject itself. Much less time would be occupied in discussing the details in a Select Committee than in Committee of the Whole House. He ventured to say that by the adoption of the former course the Bills might be sent down again in the course of ten days; whereas if the House undertook the investigation, they would have to go through four Bills, two of which ought to be amalgamated, one of which, in his opinion, ought to be rejected, and the fourth, he believed, they might easily pass.

MR. MALINS said, he was sorry to find himself compelled to take a different view of that subject from that which had been set forth by his hon. and learned Friend the Member for Belfast (Sir H. Cairns) and his right hon. Friend the Member for the University of Cambridge (Mr. Walpole). If they wished to strangle the Bill, he thought they had better say so boldly at once, and refuse to proceed with it any further. He had already stated, on the second reading, that he thought the measure was one of no value whatever. He did not think it worth passing, and he believed that no Select Committee could make it worth passing. He was persuaded that any measure upon this subject that

was not of a compulsory character would remain a dead letter. He was not, however, prepared to offer any active opposition to the measure. But as the Bill could, at all events, do no harm, and as many people thought it desirable that it should be tried as an experiment, he felt it his duty to object to the Motion for referring it to a Select Committee, which would only have the effect of ensuring its rejection after a good deal of labour had been unnecessarily incurred. More important measures had been discussed in the House, amended, and adopted. The Probate Bill of 1857, and the Divorce Bill, had been passed without the intervention of a Select Committee, and he did not see the necessity in the present case for the proposed reference. He could not but ask himself what would be the effect of referring the Bill to a Select Committee, which could not meet before the end of the week, within a month of the time when it was expected that Parliament would be prorogued? Where were gentlemen of experience in connection with landed property to be found who could give their attendance on the Committee at this season of the year to put the Bill into a shape fit for its consideration by the House? Even if they decided on dealing with the Bill in a Committee of the Whole House, he thought there was no fear that they would be overcrowded. He entirely concurred in all the objections that had been taken to the Bill; he believed it to be ill-conceived and ill-executed: but he would not offer any active opposition to its progress. The Bill came down from the Upper House recommended by the highest legal authorities. The Bill was a very favourite one of the Lord Chancellor's, for whose opinions he (Mr. Malins) had the deepest respect, and who had a theory that the transfer of land might be made as simple as that of money in the funds. The Solicitor General seemed to have adopted the same opinion, though not to the same extent. But, after all, it was an experiment, and an experiment which, with the machinery which would be necessary to put it in operation, would probably cost the country something like £10,000 a year. The real question, then, was whether it was worth while to spend that sum of money for the purpose of making such an experiment. Now, although he had the worst possible opinion of the Bill, he was yet not disinclined to allow the experiment to be made, seeing that it was a measure.

Mr. Walpole

which the Government had chosen to introduce on its own responsibility. Very few Members of the House would take any part in the discussion, but no doubt some improvements might be made as it passed through the House, and as it was only an optional measure, which could do no harm to anybody, he thought the best plan would be to pass it, and then, if it did not succeed, to amend it next Session in such a manner as to thoroughly cure its defects. He looked upon the proposal to send it to a Select Committee as a snare, and suggested as the best of all courses that the Government should withdraw it, and introduce a new Bill at an early meeting of Parliament, in order that the question might be fully considered, and a Bill passed which would be worthy of the Legislature.

MR. SCULLY thought that the hon. and learned Member for Belfast had given very good reasons for referring this Bill to a Select Committee. On the other hand, the present measure had been considered and recommended in every possible form, and to refer it to a Select Committee would be neither more nor less than strangling it for the present Session. The Bill might not be very extensive in its operation, but it established the principle of a registration of title which had been recommended by a Committee of that House, and which it was important to affirm. He was at a loss to perceive what assistance the House would derive from an inquiry by a Select Committee, whose Report would carry with it very little weight. Attendance during the morning would be far more inconvenient than in the evening to legal gentlemen, and some of the most useful Members of the House and all the Irish Members would be shut out from the Select Committee. He should therefore support the Motion, that the House go into Committee at once.

MR. ROLT thought that the arguments which had been advanced by the hon. and learned Member for Wallingford (Mr. Malins) against sending the Bill to a Select Committee, were the very arguments which might be used in favour of such a proceeding: he (Mr. Rolt) contended that only a Select Committee would be able so to deal with the Bill as that it could afterwards be satisfactorily dealt with by a Committee of the Whole House. His hon. and learned Friend said that even if they did not send it to a Select Committee, there would be only a very few

hon. Gentlemen in the House at the time it was being discussed, so that it could be discussed here with the same facilities as in a Select Committee; but he seemed to forget, that although there might be a few in the House, there would be a very great number in the lobbies, who would pour in and prevent any Amendment which was unpalatable to the Government from passing. A measure of this importance ought to receive the fullest consideration in a Select Committee before it was brought before the House itself, and there were many reasons why such a course was desirable. Some of the provisions were so badly framed that the House could not properly discuss them until they had been re-shaped by a Select Committee, and it would be impossible to discuss some of the details in the Whole House—the time would be simply wasted. The Commission which had been appointed some few years since to inquire into the registration of insurances, had made one of the most able Reports that had ever been submitted to the House, and yet this Bill totally disregarded its recommendations: a Select Committee would ascertain whether there was any sufficient reason for departing from those recommendations. He believed, also, that if the present measure were sent to a Select Committee, that Committee would be able to deal with the questions raised summarily, and return the measure to the House in ample time to enable it to become law this Session. The measure before them dealt with two questions totally different from one another—namely, the registration of title, and the declaration of indefeasibility of title; but the clauses relating to the latter subject were scattered over the whole Bill, and without close discussion and minute explanations, it would be impossible for any man to make himself fully acquainted with them. It was comparatively useless, also, to proceed with this Bill without taking the next on the Orders of the Day into consideration at the same time—namely, the Declaration of Title Bill. If the two Bills were referred to a Select Committee, they could deal with both at the same time, which would not be possible if the House went into Committee on this. He had endeavoured to acquaint himself with those provisions in the Bill before the House, which dealt with the question of indefeasibility of title, but it was impossible to separate the two main questions involved in this Bill,

merely by the excision of some dozen clauses or so. On these grounds he was strongly of opinion that the measure should be submitted to a Select Committee. There would be no difficulty in permitting the Committee to sit in the evening, if an earlier hour should be found inconvenient to the members of the legal profession.

SIR FRANCIS GOLDSMID thought the objections urged were on matters of detail that might be well considered in a Committee of the Whole House. It seemed to be the general desire of the House that the Bill should pass this Session; and as, in his view, it would be impossible for it to do so if it were referred to a Select Committee, he should give his vote in opposition to the Amendment. Those who had charge of the measure seemed to be of opinion that it ought not to be referred to a Select Committee, and might be dealt with satisfactorily in a Committee of the Whole House, and he should be guided by their opinion, and support the Motion for going into a Committee of the Whole House.

THE SOLICITOR GENERAL said, that the Government would, of course, accede to the proposition which had been made if they could believe that it would expedite the progress of the measure, or render the consideration of it more diligent and effectual. They desired, however, that the Bill should pass this Session; and they felt it their duty to ask the House to proceed with the Bill at once, without referring it to a Select Committee. If the Select Committee were to serve any useful purpose, it must include not merely Gentlemen interested in land, but those who were acquainted with the legal questions; and he did not believe that they could secure the attendance of the latter. If there were a Committee, he should himself be compelled, at whatever inconvenience to himself, and at whatever risk of interruption to his other duties, to be constant in his attendance on that Committee; but it was not in human nature to expect his hon. and learned Friends voluntarily to sacrifice their professional engagements for that purpose. The result would be that they would reserve all their objections and Amendments until the Bill again came before the House, when the same objections which had occupied the Select Committee would have to be repeated. That was the reason why, at that period of the Session, the reference of a Bill to a Committee was reckoned fatal to its progress. He hoped, therefore, that they would con-

sent to proceed with it, as they had formerly done with the Divorce Court and Bankruptcy Bills, in Committee of the Whole House. By doing so he believed they would avail themselves of the most promising opportunity which had yet presented itself for asserting a great principle, and for putting in operation a machinery which, even if it should be found at first in any respects defective, would accomplish that first step which was of so much value, and might be amended afterwards. He was surprised at the very feeble arguments with which the hon. and learned Member for Belfast supported his proposal. In Committee he had no doubt that all those giants which had been depicted as blocking up their path would be found to vanish. He reserved his observations on the clauses which the hon. and learned Member had criticised till they went into Committee. When they came to the provisions in the Bill which corresponded with those in Lord Cranworth's measure, he would ask for their postponement; so that if the House chose to adopt the proposal of the noble Lord, it could be substituted for the postponed clauses.

MR. HADFIELD thought the evils arising from delay were of less importance than those which might result from passing a defective measure, and as he was convinced that a Bill of this character could not be properly or satisfactorily considered in Committee of the Whole House, he should vote for the Amendment.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 180; Noes 124: Majority 56.

Main Question put, and agreed to.

House in Committee.

Clauses 1 to 3 agreed to.

Clause 4 (By whom application for Registration to be made).

SIR HUGH CAIRNS said, the clause was the most complete subversion of British law that had ever been attempted. Hitherto it had been considered that possession was *prima facie* evidence of title; but hereafter it would be open to any person who had never been in possession for an hour, or who had not succeeded in an action at law against the previous possessor, to register an indefeasible title. In the Bill which he introduced in 1859 this possibility was carefully guarded against.

THE SOLICITOR GENERAL said,

*Mr. Rolt*

the clause in the Bill of 1859 was substantially the same as that contained in the present Bill. There was not, in the definition of the persons who might apply, a word about "possession." The subsequent clauses provided such safeguards that it was quite impossible that an indefeasible title could be obtained by surprise.

SIR HUGH CAIRNS said, it was evident that the right hon. Gentleman had not read the former Bill, which expressly provided that the court should not take any proceedings until it was proved to their satisfaction, by inquiries on the spot or other sufficient evidence, that the applicant or his predecessor were in possession of the receipts or profits of the land for a period of not less than five years previous to the date of the application. But under the terms of the present clause the court had no discretion, but would be obliged to register the title when applied to.

MR. MALINS thought the objection was untenable. It was impossible that the conveyancing counsel of the Court of Chancery could overlook the question who was in the possession of land. The first inquiry to be made of a person desiring to register would be—are you in possession? or to whom are the rents paid?

SIR FRANCIS GOLDSMID also protested against its being supposed that a court of equity would declare a title to be marketable, without taking into consideration who was in possession of the land.

MR. SCULLY said, that notices would have to be served on all the owners of adjacent properties before an indefeasible title could be obtained.

SIR FITZROY KELLY said, he did not rise for the purpose of enforcing the objection of his hon. and learned Friend, though he did not think it had been satisfactorily answered. He wished to offer an objection to the sixth head or provision of the clause, by which no vendor could register a further title than that which he had bought, without the consent of the vendor. A purchaser might have bought under conditions of sale which precluded him from making inquiries into title before a certain date. Yet a purchaser might wish to register an indefeasible title, and have the benefit of the measure like every one else. This he would not be enabled to do without the consent of the vendor.

THE SOLICITOR GENERAL explained that the condition referred to by his hon. and learned Friend applied only

to the period between the contract and the conveyance.

*Clause agreed to.*

*Clause 5 (Examination of Title with Guarantee).*

MR. ROLT said, that this clause introduced a subject of great magnitude. It introduced a scheme by which titles might be declared indefeasible. This had nothing to do with the question of registering titles. Titles might be registered whether they were defeasible or indefeasible. This was a wholly distinct and equally experimental plan. The experiment had been tried in Ireland, and from a Return made to the House it appeared that from the year 1858 down to 1862 the number of applications for declarations of indefeasible title were something under twenty. For this experiment it was now proposed to establish a new tribunal, consisting of a registrar and three assistant registrars, an examiner of titles, and an efficient staff of clerks. But should not an experiment such as this be tried with as little expense as possible? Was it desirable to establish a new tribunal? Might not the experiment be well tried by giving jurisdiction in the matter to the Court of Chancery? And if a new jurisdiction was to be created for the purpose, was it wise to intrust the duties to a tribunal in any respect inferior to the ordinary judicial tribunals of the country. By this Bill, the registrar sitting in chambers with his assistants, might declare a title indefeasible. Even in an open court, where the matter was watched with all attention, there would be great danger of errors creeping in—how much more would this be the case where there was anything like a secret investigation? He was strongly of opinion that this duty of declaring titles indefeasible should be referred to an existing tribunal; and if this should not be assented to, that a new court of the ordinary judicial character, and holding its sittings in public in the usual manner, would be preferable to the scheme proposed by this Bill.

SIR FITZROY KELLY moved, that the clause be postponed, in order that his hon. and learned Friend the Solicitor General might maturely consider the constitution of the proposed new tribunal, and whether the work might not be better performed by the existing Court of Chancery, or by a Commission. The clause enacted that titles should be examined by a "Registrar

and Examiners of Title, as hereinafter mentioned." Surely, before passing this clause the nature of the tribunal to be established under the Bill ought to be determined. Some might agree with his hon. and learned Friend (Mr. Rolt), while others might think with his hon. and learned Friend (Sir Hugh Cairns) that it would be better to establish a new Court in the nature of a court of justice. If the Committee committed themselves to this clause, they would be precluded from considering one of the most important questions in the Bill. A subsequent clause enacted that a registrar, and not more than three assistant registrars, should be appointed to carry the Bill into effect, and that there should also be examiners of title, the number of which was unlimited and unspecified, but they were to be fixed by the Lord Chancellor with the consent of the Lords of the Treasury. The registrar was to have a salary of £2,500 a year, but the assistant registrars and examiners of title were to have such salaries as the Lord Chancellor, with the consent of the Lords of the Treasury, shall determine. He objected to giving the Lord Chancellor the power of appointing an indefinite number of officers at indefinite salaries—to be voted by Parliament—as he pleased. Another objection to the clause was that the titles were to be examined "in such manner as general orders shall direct." The Committee ought to have a satisfactory explanation as to the mode in which these powers were to be exercised, and ought not to consent that a matter so important should be left to the general orders of the Lord Chancellor.

MR. ROLT said, that by the next clause a discretion was given to the registrar; but it was a discretion whether he should or should not do his own work, or send it to the Court of Chancery, whenever any question of doubt or difficulty arose. Of course, the natural bias of every judge under such circumstances was to remit a cause to another tribunal. The Bill, in fact, appointed a registrar to do the work of the Bill, but gave him an option not to do it.

MR. MALINS said, it appeared to him that the House in affirming the principle of the Bill, had affirmed the principle that there must be a distinct tribunal for declaring indefeasibility of title. It was impossible that the Courts of Chancery could undertake the duty of inquiring into titles

—they were already fully occupied. His notion was, that there should be a distinct tribunal for performing these duties, with an appeal to the Court of Chancery.

MR. SCULLY said, that the twenty declarations of title of unencumbered estates in Ireland were not to be taken as a measure of the value of the Court established there, or as an indication of the extent of the work likely to arise under this Bill. The fact was, that in addition to those twenty declarations of title of estates not encumbered, there had been 300 more, through the instrumentality of sales in the Encumbered Estates Court. He was possessor of an unencumbered estate; and if he wanted a declaration of title, his cheapest mode of going to work would be by encumbering the property and then proceeding to sale in the Landed Estates Court. Passing this Bill would be attended with this benefit—that if the machinery should be found unwieldy, it would give rise to a good Act next Session. The question of Land Tribunal was discussed before the Royal Commissioners, who reported against it; but he was in favour of the tribunal, and gave his reasons, which were published in the Appendix, for differing in judgment with his brother Commissioners.

MR. COLLIER thought that the objections to the clause were inconsistent with each other. On the one hand, it was said, that inasmuch as the question to be raised under the Bill would not be of great importance, it would not be necessary to have a new tribunal at all; and, on the other, it was contended that the questions would be not only of great importance but of great number, and that therefore a superior Judge should be appointed. It appeared to him that there was a middle course, and that the Bill had pointed it out. For that reason he supported the proposition to appoint an inferior Judge, to be called a Chief Registrar, who would no doubt be competent to dispose of all the business to be created by the Bill.

MR. WALPOLE was also of opinion that the Government had taken the right course in commencing the working of the Bill in the manner proposed. When the Encumbered Estates Court was established, an immense number of encumbrances on land had to be got rid of, and the rights of numerous parties had to be taken care of. The working of this Bill would be much more simple, and the duties could, he believed, be effectually discharged by

the tribunal contemplated by the Bill. In complicated cases the advantages of a superior court could be obtained, by the power vested in the registrar of referring such cases to the Court of Chancery.

THE SOLICITOR GENERAL said, he found in the Bill, which had on its back the name of the hon. and learned Member for Suffolk (Sir F. Kelly), in a former Session, a provision equally indeterminate with regard to the amount of the establishment to be created as the provision in the present Bill, to which the hon. and learned Member had objected. That Bill provided for a registrar's office, with officials whose salaries amounted to £8,800 a year, besides the power of appointing clerks, servants, and messengers at the discretion of the Treasury. These provisions were very much the same as those of the hon. and learned Gentleman's own Bill, and, in fact, every Bill for the same object must contain very much the same provisions. As to the expenses of the Court, it was thought that as the business increased the fees would defray the expenses. As to the appointment of assistant registrars and other officers, the approbation of the Treasury was required as a check that no more officers should be appointed than were really necessary. With regard to the other objections which had been urged, he was of opinion, that if Parliament thought that the passing of the measure would be advantageous to the country, it must place confidence in those to whom the administration of justice was confided, and believed that they would be anxious to obtain the most efficient persons for the discharge of the duties under the Bill. No doubt, the same class of persons with those who now advised upon titles under the direction of the Court of Chancery would be selected; and they would do the same thing as at present, but with a more direct and clear responsibility. He was surprised to hear it said that these matters should be done in open court, and he put it to the Committee whether it would be expedient to expose a man's title to examination in open court before it was declared to be good. The real truth was that the Bill established a Court of Registration, which would be exactly similar to the Landed Estates Court, though it bore a name less imposing, and would therefore probably work with less expense to the public. The decisions of the registrar would be subject to an appeal to the Court of Chancery, and, if difficult questions

arose, there surely could be no objection to have them referred to the Court. With respect to the general orders, exactly the same thing was done in the Landed Estates Court in Ireland. He could not consent to the Motion of the hon. and learned Member to postpone the clause.

SIR FITZROY KELLY said, he still adhered to his opinion as to the expediency of postponing the decision of the Committee on the clause.

MR. DARBY GRIFFITH could not help doubting the expediency of investing a registrar with judicial powers, and it seemed to him that they ought not, without further consideration, to pass the clause.

MR. NEWDEGATE said it appeared to him that to give an inferior functionary such important powers was a very dangerous innovation. No record would be kept of the proceedings of such a tribunal, but that difficulty would be obviated by the formation of a court.

MR. HADFIELD said, that the working of the Bill would be attended with this serious consequence, that as the proceedings would take place with closed doors, the rights of absent parties might be prejudicially affected; and even if the owner of property adjoining that the subject of proceedings in the proposed court had notice of the application for a certificate of good title, he would be at the expense and trouble of attending to protect his interests.

Motion made, and Question put, "That the clause be postponed."

The Committee divided:—Ayes 21; Noes 63: Majority 42.

SIR FITZROY KELLY said, he did not wish to give the Committee unnecessary trouble, but, in order to put on record his opinion as to the inability of the registrar satisfactorily to discharge the duties imposed upon him by the Bill, he moved the omission of the words "Registrar and Examiners of Title," and that the word "Court" be inserted in lieu thereof. He should not, however, divide the Committee.

MR. SCULLY said, he should be glad to divide with the hon. and learned Gentleman.

Amendment negatived.

Clause ordered to stand part of the Bill.

Clause 6 agreed to.

Clause 7 (Judge of Court of Chancery to make Declaration of Validity of Title in certain cases).

SIR FITZROY KELLY rose to move that all those words of the clause which related to "contingencies which had not happened," "uncertainties which could not be ascertained," and "outstanding legal estates which could not be got in," should be omitted. As far as the clause provided that where a title had been investigated, and the person applying had succeeded in establishing a perfect title to the fee simple of any given property, he should have the property registered, and receive a certificate of registration which should constitute an indefeasible or Parliamentary title to the purchaser, he entirely agreed to it. But he was strongly opposed to the registration of anything except a perfect saleable title to the fee simple, and he maintained that all charges, encumbrances, contingent remainders, or other interests which derogated from the complete fee simple, should be dealt with by means of *caveats*. If this Bill provided for a system not merely of registration of titles, but of all instruments affecting them, it would become a mere registration of assurances. The registrar in every case where there were limitations which might or might not take effect, would have to determine speculatively every possible question that could arise before he could properly register a title. If the Bill were confined to the registration of indefeasible titles, it would prove most beneficial to the community; but if it were extended to contingencies, its chief provisions would become perfectly impracticable and useless. With the view of restricting the operation of the Bill, he moved the omission of the words after "marketable" in line 23, down to "in" in line 25.

MR. WALPOLE suggested an Amendment in an earlier part of the clause. He proposed to substitute "reference" for "investigation."

THE SOLICITOR GENERAL said, his hon. and learned Friend (Sir F. Kelly) had entered into a discussion which might legitimately be raised on the 14th clause, but which had no bearing on the clause now under consideration. The present clause simply proposed, that if it appeared that a title was good and marketable, save in respect of some contingency which had not happened, it should be lawful for the Judge to make a declaration of the validity

of the title, with such particular exception or qualification. Every Bill which had been introduced had embraced that principle, including the measure of the hon. and learned Member for Belfast, which provided that the court in making a declaration might annex conditions and reserve the rights of any person or class of persons. With the permission of the Committee, he would reserve his reply to the remarks of the hon. and learned Member till they came to the 14th clause, which involved the principle of placing the true title upon the registry, and not an imaginary one.

SIR FITZROY KELLY asked what was the use of registering a title subject to certain contingencies which had not happened, and for which, when they did happen, no provision was made in the Bill.

MR. ROLT was puzzled by many of the expressions used in the clause. What was meant, for example, by "uncertainties which cannot be ascertained"?

MR. AYRTON said, the object of the Amendment of the hon. and learned Member for Suffolk was to make this Bill the same as that which he had himself introduced. The hon. and learned Gentleman's Bill was no doubt fortified by the Report of the Royal Commission, but it had been condemned as impracticable by all the learned conveyancers of Lincoln's Inn. The object of the present Bill was totally different from that of the hon. and learned Gentleman's magnificent but impracticable scheme. The peculiar merit of this more modest but practicable measure was, that it would enable the owner of an estate to obtain from the court a declaration of all the rights and interests existing in that estate at the moment of his application. The Bill would get rid of an enormous pile of deeds relating to that estate, because the declaration of title would make them unnecessary. He approved of the Bill, and thought the speech of the hon. and learned Solicitor General on the second reading proved that the scheme recommended by the Royal Commission could never be carried into effect.

MR. BUTT said, the question seemed to be whether this Bill should be confined to titles which were complete, or whether it should be made also to apply to those titles in which there was some outstanding interest. Unless it was extended to both, he contended it would be useless.

MR. SCULLY suggested that the Amendment should be withdrawn, inasmuch as the omission of the words was

of no consequence whatever. Whether the words were left in or struck out, he would be satisfied.

MR. MURRAY remarked, that in referring to the description of title, the words used were "good and marketable," but afterwards there was a provision in reference to the declaration to be made as to the validity of the title. Thinking they should adhere to the same words, he would propose to strike out the word "good," and insert the word "valid."

THE SOLICITOR GENERAL said, there was really no tenable distinction between "valid marketable title" and "good and marketable title."

MR. SELWYN, notwithstanding what they had heard from the right hon. Gentleman as to the insignificance of verbal criticism, was disposed to believe that inconvenience would result from the vagueness of the language employed in this clause. "Uncertainty which cannot be ascertained" was not legal language at all; and in the explanation of the clause which had been given, two matters which ought to be kept distinct were jumbled up together—namely, matters of conveyance and matters of title.

*Amendment negatived.*

*Clause agreed to.*

**Clause 8 (Particulars to be furnished to Registrar).**

MR. WALPOLE said, that although it had been ascertained by the previous clauses that the title was good and marketable, it was required by this clause that something further should be done—namely, that the applicant should furnish information to the registrar as to three points—first, a description of the lands; secondly, of all the persons entitled to the lands, and of the estates, powers, and interests that exist or may arise; and, thirdly, a statement of the charges and incumbrances affecting the land. Were they prepared to say that, to obtain this registration of title, they would give an indefeasible title not merely to the land, but to the boundaries of the property? Were they in giving this indefeasible title to clog the register with that which hitherto was entirely condemned—namely, a collection of those assurances or, what was even more difficult, a synopsis of each assurance? The consequence would be that every adjoining occupier would be compelled to dispute questions of boundary which they were going to preclude him

from disputing hereafter. However amicably neighbours might be living together, and however difficult it might be to ascertain the boundaries precisely, they would force the neighbours of every person who sought to register his land under this Bill to raise questions which they were now willing to leave dormant; for the asserting of the boundary of almost every estate would give rise to such questions. Therefore he objected to the first part of the clause; and as to the second part, he asked, who they were going to trust to make the statement referred to? Were the registrar and his clerks to do it? If so, there would be no synopsis at all. Every man would require that his assurance should be copied in full—so that they would have all the evils that would arise from a registration of assurances. It seemed to him that these two points were fatal to the object aimed at—namely, a registration of titles. What he sought by a registration of titles was, that just in the same way as a man could have a title to railway shares, or stock in the funds, or shares in a ship, so he might have a title to land; and this could be done only by leaving trusts out of the register, taking care that the title to the land should be clear and indefeasible on the register. As to charges and incumbrances, no title could be ascertained by the registrar unless he ascertained everything which affected it. If he were right in his views, then there was no necessity for the clause, and he therefore moved its omission.

THE SOLICITOR GENERAL said, that this objection went to the principle of the Bill, which was to ascertain and record the truth about the whole title and every part of it. He could not help thinking that his right hon. and learned Friend was echoing the bugbear about the registry of assurances. He believed that the provision which his right hon. and learned Friend objected to would be of great benefit. In regard to the objection as to boundaries, he must remind him that the provision that the boundaries should be set out on maps, and that the attention of the owners of contiguous estates should be called to these maps, was the same as was enforced without difficulty and without giving rise to litigation in the Encumbered and Landed Estates Courts. He could not admit that the owner of every estate was doubtful about his boundaries, or that the clause would create litigation. If uncertainty existed, it was desirable it should

be cleared up. He could not but think that his right hon. and learned Friend had greatly overrated the magnitude of the difficulty and uncertainty in question.

SIR FITZROY KELLY said, that the clause was an extraordinary one. It began by assuming that the title was good and marketable. But how could an estate appear to be marketable until the registrar knew what the estate was, and had gained the information which was to be afterwards supplied? The registrar, be it observed, was to determine on the legal effect of the instruments submitted to him, and was to put upon the registry of land not copies of the instruments but their legal effect. Let the Committee consider what might be the application of this Bill in such a case as that of the Bridgewater Peerage. Under the limitations of a settlement the question arose whether Lord Alford took an estate in fee simple, and whether a clause in the deed devolving the property upon another branch of the family, in case any future tenant in tail failed within a certain time to become Duke or Marques of Bridgewater, was operative. From the Court of Chancery, the question came before the House of Lords, and certain questions were submitted by their Lordships to the common law judges: the judges differed among themselves in the proportion of nine to two; and when their answers were submitted to the Law Lords, including four ex-Chancellors and the then Lord Chancellor, those learned men, with one exception, overruled the opinion of the majority of the Judges. Yet, under this Bill, a registrar with a salary of £2,500 a year, might say that the question was not arguable, might refuse to remit to the Court of Chancery, and might pronounce a final and conclusive decision. The consequence of passing the Bill would be that in every case—not only in those cases in which questions arose which must sooner or later be determined, but in every case where there might be numerous questions of a complicated character, arising out of a series of deeds and settlements, which might never require decision, because the contingencies upon which they rested might never happen, the registrar would be compelled to take notice of them, and to pronounce a speculative decision. The Bill, instead of preventing, would increase litigation. The legal effect of all deeds, with every possible contingency they might provide for, would be put upon the registry, and although re-

strictions were placed upon the access of the general public to the register, its contents could not be kept a profound secret. The obvious consequence would be that persons with supposed rights would be encouraged to institute suits and to plunge the owner of the estate into costly litigation. He disagreed with the whole system of registers, and with the raising of questions of title not existing at the moment when the registration took place. It would be infinitely better to leave such questions undetermined, and to protect the rights of claimants by a simple power to lodge *caveats*. He regretted that the discussion had been almost exclusively confined to legal Members, and he hoped that landed proprietors would themselves consider the effect of the clause before assenting to a plan which must multiply the evils of the present system to an indefinite extent.

MR. AYRTON said, he was glad that at last they had the distinct issue raised whether they would adopt the scheme of this Bill or the plan of the Commissioners represented by the hon. and learned Gentleman—the scheme of a registration of the fee simple or the registration of all the interests. In his opinion the great advantage of the Bill and of the clause before the Committee was that every right and every interest being put upon the record, litigation upon questions of difficulty would be avoided. He hoped, therefore, that the Committee would pass the clause.

MR. SELWYN said, he did not think that the objections urged by his right hon. Colleague (Mr. Walpole) had been answered. The difficulties and dangers of the person seeking to register his title were, that there should be an accurate description of everything, including every hereditament corporeal and incorporeal put upon the register. If that were not done—and it was a thing almost impossible to do—the owner might at some future time have his rights called in question, on the ground that certain rights were not to be found upon the record. In fact, the clause would have the effect of plunging into doubt persons who sought to register their land, and would oblige them to be in a constant state of preparation to resist aggression. The Corporation of London had an officer whose duty it was to see that no Bill was carried through Parliament, and no attempt made which would in any way interfere with their rights. That officer was called the City Remembrancer. But if this clause passed, every landed proprie-

tor must have a remembrancer of his own to take care that his property was not invaded. The persons most interested in the Bill were the lawyers, for he had never seen a Bill better calculated to promote their advantage. But it was strange that landed proprietors, whose interests were so deeply involved, took so little part in the discussion. With respect to persons whose property was in the neighbourhood of a person who wished to register his land, they would be placed in a position of great risk. For those reasons he should cordially support the Motion for the omission of the clause.

MR. SCULLY said, though the Commissioners had thought it better to confine the registry to fee simple, it might be extended; tenants for life should be allowed to put their estate on the register.

MR. NEWDEGATE observed, that in Scotland there was a register of titles, and he was acquainted with an estate in reference to which an error of a few words made the tenant for life tenant in fee, and gave him the power of disposing of the whole property. The plan now proposed was, not that the deeds should be copied, but that an abstract should be made of them, and that the title should be according to that abstract; and therefore they were not to register existing titles, but to create new titles; and the only security that there would be was the discretion and ability of the person who made the abstract, and upon this very important rights would depend.

LORD LOVAINE said, he possessed property in a county where there was a great deal of waste land, and he wished to know whether, in the event of neighbouring landowners applying under this Act, he would be obliged to defend his rights or supposed rights?

THE SOLICITOR GENERAL said, any landowner applying under this Act must give a description of the lands he claimed; and if they abutted upon property owned by the noble Lord, notice must be given to him and his tenants, and they would have the opportunity of tending before the registrar.

MR. MONTAGUE SMITH thought the clauses would be found inadequate for the protection of adjoining landowners, and some additional protection should be given them. In all questions as to boundaries a map should accompany the description; and some provision should be made for referring such questions, in-

volving the course of rivers, fences, and walls, for trial. He should be glad to see these clauses omitted from the Bill altogether; but if they were retained, adequate protection should be given to the adjoining owners.

MR. COLLIER acquiesced in the view that the registrar would be found insufficient to settle important questions of boundary, which were constantly being mooted on circuit.

MR. WHALLEY contended that no powers were given to the registrar under this Act which were not already given under the Inclosure Acts.

Lord LOVAINE said, that the Inclosure Commissioners only acted where there was no dispute as to boundaries.

MR. HENLEY thought the provisions of the Bill deficient with respect to the safeguards by which titles were to be settled. This point had been urged by the hon. Member for North Warwickshire (Mr. Newdegate), and had not been answered.

THE SOLICITOR GENERAL said, it was a mistake to suppose that the clause provided for the final settlement of the title. It merely applied to the result of the preliminary investigation which was to take place before any notices were issued, or any persons were brought in by advertisement to defend their interests. Ample notice was provided for by subsequent clauses.

MR. HENLEY said, it was true that those clauses gave ample notice to the persons included in the description of those who were, or might be, entitled to the land; but the question was whether this description, as provided in the section now being discussed, would be accurately settled. He wanted to know how it was proposed to secure that this abstract should contain the names of all parties interested. If any person interested were kept out of the abstract, there was at present no security that he would receive any notice whatever. The hon. and learned Gentleman had now, for the first time, talked about this as a preliminary investigation. Was there, then, to be another one?

SIR HUGH CAIRNS concurred in the observations of his right hon. Friend, and wished to know, supposing that the registrar made a mistake, and did not insert the names of all persons interested, or supposing that some of the persons interested were unborn or out of the coun-

try, where the provision was that protected the rights of those parties? He thought it impossible that the scheme embodied in the Bill could ever work.

SIR JOHN HANMER observed, with respect to manors, that it would be unjust that the owner of the minerals underneath the surface should be bound by any proceeding which the lord of the manor, who was only the owner of the surface, might take. He hoped some words would be introduced providing expressly, and not merely by implication, for this case.

THE SOLICITOR GENERAL said, that when the Committee came to the clauses relating to the record of title, it would be fit to consider whether any more express provision should be made for a case of that kind. The present clause had reference to one of the formal steps in the process of registration. In the first instance the investigation of title would be exactly such as took place in the Court of Chancery when a title was investigated as between the parties before the Court. The next thing was to reduce into form the results of the investigation, and those results would be placed on the register, unless persons, after notice, came forward and made valid objections. With respect to the objection that persons having possible or contingent interests might be injured without notice, that was a danger that was inseparable from any scheme of indefeasible title; but experience in Ireland and of conveyance in England proved that there was practically no danger of any such result occurring. The principle of the clause was the same as that embodied in the Bill of the hon. and learned Gentleman (Sir Hugh Cairns), and no greater securities could be adopted against what was only a possible danger.

SIR HUGH CAIRNS said, he was entirely at issue with the Solicitor General on this point. The propositions of this Bill were quite new, because it put the interests of unborn generations out of view altogether.

Mr. COLLIER reminded the Committee that besides notices to the persons whose interests were disclosed, notice was also to be given by advertisement, and to the occupiers of adjoining lands, and to the owners of such adjoining lands.

Mr. WHALLEY said, that the objections of the hon. and learned Member for Belfast, if they applied at all, applied to the 4th clause, and not to the one under consideration.

*Sir Hugh Cairns*

MR. BARROW observed, that in mineral districts it frequently happened that the land was held by one person, while there was a reservation of the minerals to another. Under this clause there was no security that the person apparently having the fee might not dispose of both land and minerals without notice to the person really entitled to the latter. He thought some special protection should be provided for these cases.

MR. SCULLY said, the production of the deeds to the registrar would give the required protection. He hoped the clause would be allowed to stand, as being a good compromise between opposing principles.

Question put, "That the clause, as amended, stand part of the Bill."

The Committee divided:—Ayes 140; Noes 89: Majority 51.

Clause agreed to; as was also Clause 9.

Clause 10 (Identity of Lands to be established).

MR. MONTAGUE SMITH moved an Amendment in the clause with a view of requiring an accurate description of the property to be embodied in the notice.

THE SOLICITOR GENERAL acceded to the Amendment, and suggested the further addition of words requiring a map or plan of the property in question to be deposited.

Clause, as amended, agreed to.

Clause 11 was also agreed to.

Clause 12 (Contents of Notice).

MR. WALPOLE suggested that this clause should be omitted. To require that every adjoining proprietor should have notice when any land was to be registered would give rise to much litigation and expense. He would also omit the second part of Clause 14.

THE SOLICITOR GENERAL said, the object of the clause was to secure that notice should be given to all parties entitled to receive it. He believed that object was effected by the clause as it stood; but by an alteration of a subsequent clause he would take care to leave the question of boundary open where it was in dispute.

Clause agreed to.

Clause 13 was also agreed to.

House resumed.

Committee report Progress; to sit again on Thursday.

SUPPLY—REPORT.—BRITISH MUSEUM.  
POSTPONED RESOLUTION.

MR. GREGORY expressed a hope that the Session would not terminate without some arrangement being made to alter the government of the Museum. The Royal Commission of 1860 had made a very useful Report, but every one of its recommendations had been ignored in the Trustees' Bill. The majority by which that Bill was thrown out was an aggregate of differing elements—those who objected to the separation of the collections, those who objected to the management, and those who objected to the extravagance of the system. The proposal for the removal of the Natural History collection came from Professor Owen, he believed, almost alone ; and however great that gentleman's authority, it was not, he thought, sufficient to justify the proposal, which was in direct opposition to the Report of the Royal Commission. He (Mr. Gregory) believed a satisfactory arrangement might be come to now by providing for the Natural History collection in the second floor, and the sculpture in a building upon the small piece of ground which it had been recommended should be purchased, adjoining the present building. This would involve an outlay of not more than £270,000, instead of £670,000, which was the expenditure involved in the Government proposal. The plan he proposed would admit of indefinite extension of the galleries, so as to provide for future additions to the collection.

MR. CONINGHAM thought the drawings had better remain where they were than be removed to the National Gallery ; and that if a vast quantity of rubbish were removed that never ought to have been placed in the Museum, and by a rearrangement, room might be found for a great deal more of what was really useful than was generally supposed. He objected to the system of restoring the sculptures in the Museum which had recently been introduced, and which he thought as objectionable as the restoration of the paintings. He should certainly be sorry to see the drawings withdrawn from the British Museum.

THE CHANCELLOR OF THE EXCHEQUER said, he would not follow the hon. Member through his speech, which was mainly a criticism upon a defunct measure. The hon. Gentleman, with many others in the House, found no difficulty

in solving the most perplexing questions, both as to the classification and mode of exhibition of objects of art and science. It was unfortunate, however, that these gentlemen were able to agree only in objections to the plans of others, and not in support of any one of their own. It would be the duty of Government to consider what further provisions ought to be made for the national collections, and to submit any proposal on the subject to the House, in such a manner and with such information as would best enable them to deliver a judgment upon it. He believed the preponderating element in the majority against the recent Bill consisted of hon. Members who held that this was not an opportune season for incurring a heavy additional outlay. He wished, however, to repeat that the second reading of that measure would have committed the House merely as to the selection of a site, and not as to the extent of the new museum. In Committee it would have been competent for any hon. Member to have proposed to limit the extent to an acre or a couple of acres. The Government did not intend to cover the whole of the proposed site with buildings ; but he thought it fair to inform the House of the dimensions to which the plan might ultimately be carried. The Government deemed that it would not be right to propose the extension of the Museum on so costly a site as Bloomsbury, when one so much cheaper could be obtained at Kensington. He could not, therefore, hold out any hope to the hon. Member that the Government would adopt his proposal ; nor did they think it would be desirable to make any proposal on the subject to the House during the present Session.

LORD HENRY LENNOX said, he was glad to hear that the Government were going to give this question their careful consideration. He believed that Kensington was, on the whole, the cheapest and most desirable situation for the national collection. He could not concur with his right hon. Friend in approving the government of the British Museum by Trustees, and if he had the honour of a seat in that House next year, he should move an address to Her Majesty, praying that in future the Estimates for that institution might be moved by a responsible Minister, and that £100,000 of the public money might not be annually expended under the direction of gentlemen who held their offices merely because their grand-

fathers had some years ago disposed of their property to the British Museum at the market price.

*Resolution agreed to.*

**POOR LAW OFFICERS SUPERANNUATION (IRELAND) BILL.**

**SECOND READING—ADJOURNED DEBATE.**

Order read, for resuming Adjourned Debate on Question [15th May], "That the Bill be now read a second time."

Question again proposed.

LORD EDWIN HILL moved, as an Amendment, that the Bill be read a second time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Question proposed, "That the word 'now' stand part of the Question."

SIR FREDERICK HEYGATE was opposed to the principle of superannuations generally, but thought this Bill ought to be passed, being merely permissive.

COLONEL DUNNE thought this Bill the very worst in the category of Irish measures. The Poor Law seemed to be made the favourite engine of wringing money in every way from the Irish taxpayers, and, looking to the present amount of the rates, he looked with alarm to the coming winter.

SIR ROBERT PEEL said, the Bill had not originated with the Government, but with the Select Committee of last year; seventy-one boards of guardians in Ireland petitioned the Government to bring forward such a Bill, and only twelve raised their voices against it. Three of the most important unions had written to him by their chairman, urging the adoption of the measure as one of economy. The Bill would certainly necessitate the raising of a permanent fund of £153,000. If the Irish Members thought that amount excessive, he should be very glad to get rid of the responsibility of the Bill, but he did not feel himself at liberty to withdraw it without some marked expression of feeling on the part of the House.

MR. HENNESSY hoped the measure would be proceeded with. It was one in favour of which a strong public feeling existed, and was calculated, he thought, to have a most beneficial effect.

LORD JOHN BROWNE said, it was unfair towards Poor Law Officers to cast

*Lord Henry Lennox*

them adrift at the end of their days without any provision.

MR. MACEVOY observed, that there was no superannuation for Poor Law Officers in England.

MR. SCULLY said he represented a very large county, and had never been asked to present a petition from that county for superannuation such as that proposed by this Bill. He should like to see this measure introduced at Tamworth, in the first instance, by way of experiment.

MR. H. A. HERBERT recommended the Chief Secretary for Ireland to withdraw the Bill, in order that boards of guardians might have time to consider what its effects would be.

LORD NAAS recommended that the Bill should be postponed for another year, though he was himself in favour of the principle of superannuation.

SIR ROBERT PEEL said, as almost every Member, except the hon. Member for King's County, was opposed to his pressing the Bill, he would consent to withdraw it.

**Amendment and Motion, by leave, withdrawn**

**Bill withdrawn.**

House adjourned at a quarter before Two o'clock

**HOUSE OF LORDS.**

*Tuesday, June 17, 1862.*

**Motions.]—PUBLIC BILLS.—1<sup>st</sup> Discharged Prisoners' Aid,  
2<sup>d</sup> Duchy of Cornwall Lands (Completion of Arrangements; Rifle Volunteer Grounds Act (1860) Amendment.**

**DEATH OF EARL CANNING.**

EARL GRANVILLE: My Lords, however painful is the task, it is my duty to inform your Lordships that this House has lost one of its most distinguished Members—that that great, just, and courageous man, Lord Canning, is no more. Under Divine Providence, he was enabled by the exercise of all the highest qualities which dignify statesmanship, to preserve and strengthen the dominion of his Sovereign over a vast and distant Empire. He sacrificed in that work, however, not only his own life but the life of one still dearer to him—his wife. I am sure that this House, in unison with the feelings of the

whole country, will appreciate the national loss which it has sustained.

**LORD CHELMSFORD :** In the absence of my noble Friend (the Earl of Derby), I cannot refrain from joining in the deep sentiment of grief which we have just heard expressed by the noble Earl. I am sure your Lordships deeply sympathize with those sentiments, and I only wish I had words to express my sense of the irreparable loss which the country has sustained.

**LORD BROUGHAM :** My Lords, there will not, I am confident, be one dissenting voice, either in Parliament or in the country, from the expression of deep regret for the loss we have sustained to which my noble Friends have given utterance. Without any distinction of party, without any difference of rank, I believe it will be admitted that the talents and the virtues of Lord Canning stand as high and in as proud a position as those of any man who has ever served the Queen.

**LORD LYVEDEN :** My Lords, having been publicly associated with Lord Canning during the most eventful period of his career, I cannot refrain from saying one or two words on this occasion, although the opportunity was unexpected. It is singularly to the honour of Lord Canning that he went out to India impressed with the belief that he would have a long reign of peace and prosperity, during which it was his full resolve to devote his utmost exertions to promote the social happiness and the material welfare of the people of India. But during his sway the greatest and most extraordinary insurrection which history records took place, and instead of new social and financial arrangements, Lord Canning had to display his energy and his resources in defending the empire of the Queen. Lord Canning had the rare felicity of proving that he was incapable of being awed by popular applause to do what he thought wrong; and that he was equally incapable of being driven by popular detraction from that which he believed to be right. He had the infinite glory of finishing his career in the manner in which he had hoped to commence it—by putting the finances of India in order and advancing its condition to a greater extent than it has ever before reached. Although, therefore, his private and attached friends, his public associates, and the whole people must deeply deplore his removal from us at a time when his services might have been so eminently useful

to his country, for his own glory he has died not too soon; for he was not withdrawn from the scene until he had achieved the greatest honour that can be won by a subject of Her Majesty—he has preserved to the English Crown its most important province, and in the country which he governed he has left a people prosperous.

House adjourned at half-past  
Five o'clock, to Thursday  
next, Eleven o'clock.

#### H O U S E O F C O M M O N S.

Tuesday June 17, 1862.

#### SALMON FISHERIES (SCOTLAND) BILL. COMMITTEE.

Order for Committee read,  
House in Committee.

Clauses 1 to 6 inclusive ordered to stand part of the Bill.

Clause 7 (Annual Close-time).

**MAJOR CUMMING BRUCE** said, he would propose to add at the end of Clause 7 the following proviso:—

"Provided always that in tidal waters where salmon fishing by means of net and eoble can only be carried on during a certain state of the tide, it shall be lawful for persons having such rights of fishing to commence to fish by net and eoble only at such hour of the Monday morning as may be suitable for the same."

**THE LORD ADVOCATE** said, he should oppose the proviso, which would leave it in the discretion of proprietors of fisheries to say when they should commence fishing, and when they should leave off. By an Amendment which he had already proposed to the clause, the Commissioners would have power to vary the period at which the weekly close-time should commence in any district; and he did not think it would be advisable to go beyond that.

Proviso negatived.

Clause, as amended, agreed to.

Clauses 8 to 13 inclusive also agreed to.

Clause 14 (Penalty for causing or allowing Poisonous Substances to flow into Rivers).

**MR. MURE** said, he would move, in line 20, after the word "Scotland," to insert, "after notice duly given by special advertisement, in some newspaper of general circulation in the district, not less than ten days before any such visitation,

to the proprietors of salmon fishings on each of such rivers or estuaries, of their intention so to visit and report."

*Words inserted.*

Clause, as amended, *agreed to.*

Clause 15 (Election of District Boards).

MR. D. ROBERTSON said, he would propose the insertion of words entitling the lessees of salmon fisheries, under leases of not less than three years originally, and of £50 and upwards, to be placed on the roll of the district board and entitled to vote.

MAJOR CUMMING BRUCE opposed the Amendment.

*Amendment negative.*

Clause *agreed to.*

Clauses 16 to 28 inclusive were also *agreed to.*

Clause 29 (Certain provisions of Act 24 & 25 Vict., c. 109, applied to Solway Firth).

MR. CAIRD said, he thought that the interests of the tenants of fisheries on the Scotch shores of the Solway Firth were sacrificed by the Bill. Under these circumstances he thought it only fair that the parties should be allowed a certain time to work out of the business, and he should therefore propose to insert the words "from and after the 1st of January, 1867," the object of which was to prevent the Act coming into operation, so far as these persons were concerned, before that period.

MR. WEMYSS supported the Amendment.

THE LORD ADVOCATE said, he thought it would not be unreasonable to suspend the operation of the Act with respect to the parties for a certain period. He thought, however, that the Amendment of his hon. Friend was too wide in its terms. He (the Lord Advocate), should have no objection to insert words providing that the Act should not come into operation till the 1st of January, 1865, which would meet the case, by giving ample time to the tenants for compensation arising out of a change in the law.

MR. E. P. BOUVERIE said, that the Bill proposed to extend the English Act to a certain portion of Scotland in a way which would act injuriously to the interests of proprietors and tenants, and therefore he could not help thinking that the Amendment of the hon. Member for Stirling was fair and reasonable.

*Mr. Mure*

MR. W. EWART said, he should support the Amendment.

MR. FINLAY said, that he approved of the proposal of the Lord Advocate to delay the operation of the Act for a period of two years.

MR. CAIRD said, he would withdraw his Amendment, and proposed in substitution for it the following:—"from and after the 1st of January, 1866," which would give three clear years to the parties to compensate themselves for the loss which they would suffer from the passing of this measure.

*Amendment proposed,*

In page 10, line 24, at the beginning of the Clause, to insert the words "From and after the first day of January, one thousand eight hundred and sixty-six."

Question put, "That those words be there inserted."

The Committee divided: — Ayes 20; Noes 65: Majority 45.

THE LORD ADVOCATE said, that notwithstanding the result of the division, he did not object to make the Amendment he had himself proposed, and to extend the time for the Act coming into operation until January, 1865.

*Clause, as amended, agreed to.*

Clause 30 was likewise *agreed to.*

Clause 31 (Act not to apply to the River Tay, excepting as to the Weekly Close-time).

MR. WEMYSS said, he would move an Amendment, providing that the weekly close-time should commence at six o'clock on Saturday night, and end at six o'clock on Monday morning.

*Amendment negative.*

Clause *agreed to.*

MAJOR CUMMING BRUCE said, he wished to move the insertion of a clause to follow Clause 24, to provide that fishings in the possession of any proprietor, by virtue of a Royal grant or charter, and who should have exercised the right to fish the same for the term of forty years, and situated within certain estuaries, to be defined by the Commissioners, might be fished with fixed nets or fixed engines, until purchased.

THE LORD ADVOCATE said, that it was impossible for him to accede to clauses which would legalize fishing in places where it was unlawful at present.

MAJOR CUMMING BRUCE said, he would point out that he had inserted the

proviso, "not being an estuary already defined or determined by law."

THE LORD ADVOCATE said, the object of the Bill was to provide that, within the limits of estuaries to be fixed by the Commissioners, all fishing with fixed nets or fixed engines should henceforth be illegal.

*Clause negative.*

MAJOR CUMMING BRUCE said, he would then move a clause empowering district boards to grant annual rod licences. The clause, with others following, had been taken verbatim from the recommendations of the Committee of last year.

THE LORD ADVOCATE said, that these were the very clauses upon which the Bill of the last session foundered. He hoped his hon. Friend would not renew a discussion which was very fully gone into during the last year.

MR. D. ROBERTSON said, he should oppose the clause, as it was calculated to demoralize the people, who would not take out licences to do that which had been a custom for 100 years.

MAJOR CUMMING BRUCE said, he would withdraw the clause.

*House resumed.*

*Bill reported;* as amended, to be considered *To-morrow.*

LUNACY (SCOTLAND) BILL.  
[BILL NO. 120.] COMMITTEE.

Order for Committee read.

House in Committee.

*Clause 1, agreed to.*

Clause 2 (Board of Lunacy continued for two years).

THE LORD ADVOCATE moved the insertion of words embracing the provisions of the Act in respect to the appointment of Deputy Commissioners.

*Clause agreed to.*

Clause 3 (Board to Licence Lunatic wards of Poor-houses).

MR. ELLICE (St. Andrews) said, that some of the northern counties had heavily assessed themselves to build asylums, in which the lunatics were well looked after, the harmless and incurable being allowed to reside with their friends. He should therefore move as an Amendment, excepting from the operation of the clause the counties of Inverness, Nairn, Ross, and Sutherland.

MR. E. P. BOUVERIE said, that asy-

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lums were sometimes choked up with incurable cases; and if the means of removing those who were harmless existed, there would be an opportunity of taking in new cases. It was well understood, that if cures were effected in cases of lunacy, they were generally brought about within the first twelve months.

Amendment, by leave, withdrawn.

*Clause agreed to.*

*Clauses 4 and 5 agreed to.*

Clause 6 (Powers of District Board, if they fail to provide Accommodation, may be exercised by Person appointed by Court of Session).

MR. BLACKBURN said, he objected to the power being given to the Commissioners. It was quite a new principle, and had come upon the Scotch Members by surprise, for at their meeting on the previous day, they were told that the measure would be merely a continuance Bill, whereas the clause was entirely new. It was, he thought, unfair to override all the counties by the clause because a few of them had neglected their duty.

THE LORD ADVOCATE said, the clause contained the most important provision in the Bill. The Bill was an Amendment of the Lunacy Act—and not a continuance Act—in any other sense than it continued the existing Board.

SIR DAVID DUNDAS said, that when the district board refused to build asylums, there was no means of compelling them to provide the requisite accommodation. The clause would give the desired power, and he should support it.

SIR ANDREW AGNEW said, he hoped the hon. Member for Stirling county (Mr. Blackburn) would persevere with his objection.

MR. MURE suggested, that the provision enabling the Secretary of State to exercise the powers given him by the clause should be qualified by the insertion of the words "unless cause be shown to the contrary."

THE LORD ADVOCATE said, he did not object to the Amendment.

MR. BLACKBURN said, he should press his objection to a division.

Question put, "That the Clause, as amended, stand part of the Bill."

The Committee divided:—Ayes 57; Noes 9: Majority 48.

*Clause agreed to.*

Remaining Clauses, with the exception of Clauses 12 and 22, *agreed to.*

MR. CRUM-EWING moved the addition of the following clause :—

"It shall be lawful for the Board to grant licences to any charitable institution established for the care and training of imbecile children, and supported in whole or in part by private subscription, without exacting any licence fee therefore, and such licence may be in name of the superintendent of such institution for the time being."

*Clause agreed to.*

SIR MICHAEL SHAW STEWART moved the insertion of the following clause :—

"With the sanction of the Board, agreements and arrangements may be made for the reception and detention of all or any of the pauper lunatics of any district, county, or parish in any public, private, district, or parochial asylum or hospital within or beyond the limits of such district, county, or parish."

*Clause agreed to.*

MR. MURE said, he wished to move the insertion of a clause for allowing persons to enter asylums voluntarily.

COLONEL SYKES : How can a madman enter an asylum voluntary ?

*Clause agreed to.*

*House resumed.*

*Bill reported ; as amended, to be considered To-morrow.*

#### SOLDIERS' WIDOWS.—QUESTION.

MR. WARNER said, he would beg to ask the Secretary of State for War, What is the practice in granting pensions and gifts of money to the widows, parents, and other relations of Soldiers who have died in the Service ; whether such pensions and gifts are bestowed invariably according to fixed regulations, or whether any discretion is allowed in regard to them ; and whether such discretion, if any, is exercised by the Commander-in-Chief, or by the War Department ?

SIR GEORGE LEWIS said, that the law made no provision for the pensions of widows of soldiers, and he was not aware of any discretionary power on the subject.

#### THE INDIAN ARMY.—QUESTION.

COLONEL SYKES said, he rose to ask the Secretary of State for India, Whether there is any foundation for the statement in the military journals that 4,000 troops are immediately to be sent to India ; whether the additional annual cost of these troops, amounting to above £400,000, independently of £13 per man for Home Charges suddenly thrown upon the Reve-

nues of India will not destroy the equilibrium of Receipt and Expenditure provided for in Mr. Laing's Budget for 1862-3 ; and whether it is prudent to suffer the continuance of the alleged existing irritation in India arising from the pressure of the income tax to assist in the maintenance of the present large European force in a time of peace ?

SIR CHARLES WOOD was understood to say that no measures out of the ordinary course had been taken in sending troops to India. A certain amount of force had been fixed for that empire, and he did not believe that it had been reached at that moment.

#### THE NEW FOREIGN OFFICE.

##### QUESTION.

SIR HENRY WILLOUGHBY said, he wished to ask the Chief Commissioner of Works, What quantity of land will be taken out of St. James's Park for the New Buildings ; and whether any change has been made in the Plan so far as regards the quantity of land required in St. James's Park ?

MR. COWPER said, he believed the hon. Baronet alluded to the hoarding that had been recently erected, but that did not mark out exactly the site of the building. That site included 18,000 square feet of ground, which formerly was part of St. James's Park. Since the most recent of the Acts on the subject had been passed, it had been found desirable to alter to some extent the outlines of the proposed buildings with a view to architectural effect ; consequently, he should propose to bring in a Bill to allow of a slight exchange of ground between the site of Public Offices and the Park ; the general result of that exchange would be that 1,480 square feet would be added to the Park.

#### THE CASE OF MR. BISHOP.

##### QUESTION.

MR. SCLATER-BOOTH said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether he is aware that Mr. James Bishop, who was arrested at Gaeta on the 2nd of April, and committed to prison on a charge of complicity in the Canaldoli conspiracy, has not yet been brought to trial, and that bail has been refused him, although Count Canaldoli himself has been admitted to bail ; and, if so, whether Her Majesty's

Minister at Turin has been instructed to take any steps on his behalf?

MR. LAYARD said, that Mr. Bishop was arrested, not, he believed, for having been concerned in a conspiracy, but for having been the bearer of treasonable correspondence. He had not found any trace of the name of Count Canaldoli in the correspondence with the Foreign Office. Mr. Bishop was arrested on the 2nd of April, and had not yet been brought to trial, on account of difficulties arising out of the introduction of entirely new courts and trial by jury into Naples. A despatch had, however, that morning been received from Consul General Bonham, who states that he had been informed by the Procureur General that the jury lists would be completed in a few days, and the trial would then come on immediately. A despatch had also been received from Sir James Hudson, stating that he had, in accordance with instructions from home, transmitted a note to the Italian Government, calling upon it to proceed with the trial of Mr. Bishop as early as possible.

MR. BAILLIE COCHRANE said, he wished to ask, whether the hon. Gentleman would have any objection to lay that note upon the table?

MR. LAYARD said, he was not aware that there would be any objection to do so, but it might be as well to wait until the correspondence was closed.

#### AFFAIRS OF THE UNITED STATES.

##### QUESTION.

MR. W. E. FORSTER said, he wished to ask the hon. Member for Sunderland, If he is prepared to give the terms of the Motion in relation to American affairs, of which he has given notice for Friday next?

MR. W. S. LINDSAY said, that if he considered it advisable to proceed on Friday with his Motion, the object of which was the recognition of the Southern States, he would that evening, or to-morrow at the latest, place the terms upon the table.

##### THE MILITIA.—QUESTION.

MAJOR O'REILLY said, he would beg to ask the Secretary of State for War, Whether, under the Militia Regulations, a Militiaman who is absent from a parade is liable to the stoppage of his day's pay; and whether, as the families of Militiamen in training are dependent

on their pay for support, it would not be desirable, considering the distress alleged at present to be existing in many districts, to direct the adoption of other punishments in lieu of stoppage of pay?

SIR GEORGE LEWIS said, that militiamen, when under training, were subject to the provisions of the Mutiny Act and the Articles of War, and by one of those articles power was given to the commanding officer to stop the pay, and there was no regulation guiding the discretion of the officer with respect to applications of the nature referred to by the hon. Member.

#### THE INCOME TAX.

##### RETURNS MOVED FOR.

MR. HUBBARD said, he rose to call the attention of the House, in connection with the income tax, to the action taken by Government on the "Two Million Fortification Loan Act of 1860;" also to the effect of the income tax on the rents of encumbered landed property, and to move for certain Returns. About two years previously the noble Lord at the head of the Government proposed to raise, for the purpose of erecting fortifications, a loan of £10,000,000 or £12,000,000 through the medium of terminable annuities. He (Mr. Hubbard) then took the liberty of submitting that no more wasteful course could be adopted than to raise money for such a purpose in such a manner, and proposed an Amendment in order to prevent the adoption of that course. The Government, however, persevered, and he was defeated. From papers which had recently been distributed he found that during the year 1861 £970,000 had been brought into the Exchequer by the sale of terminable annuities. Those annuities had not been placed in the open market, but had been taken by the Government to the account of the savings banks; and, to provide the purchase-money, they had sold Three per Cent stocks belonging to the savings banks. The terms, however, on which the annuities were placed were not stated in any paper which he could find on the table of the House; and although he found papers in which the prices were affixed to other kinds of stocks, there was no price attached to these annuities. If, however, the Government persevered in thus contracting loans in a way which was ignored by the capitalists and moneyed

corporations of the day, the loss would be multiplied just in proportion as the loans were multiplied. To obtain the means of purchasing the Terminable Annuities for the savings banks, the Commissioners for the Reduction of the National Debt sold Consols and other funds privately; but when they carried these sums of stock into the market, they were selling on behalf of the Chancellor of the Exchequer (or, in plain terms, the Chancellor of the Exchequer was selling on his own account) with an amount of knowledge which was not possessed by the individual who bought. It might be said that that course of proceeding was for the benefit of the Government, and therefore of the country; but he submitted that it was not consistent with fair dealing that the Government should send their agents into the market to sell with a knowledge which those who bought did not possess, because, had it been known that the Government broker was selling to provide money for the Fortifications, there would have been a pressure on the stocks, and the same price would not have been got which was obtained under different circumstances. There was a degree of straightforwardness in all money dealings between individuals in this country which ought not to be departed from; and he submitted that the course of proceeding by the Government in this matter not only involved the Government, through the savings banks, in the risk of serious loss, but was open to objection on the ground that it was not fair to substitute a stealthy sale of Three per Cent stocks for the sale of Terminable Annuities, in accordance with the Fortifications Act.

He would next, in pursuance of his notice, call the attention of the House to the action of the income tax upon the landed interest. It would be in the recollection of the House that on the 14th of May he made a Motion upon the subject, when his right hon. Friend the Chancellor of the Exchequer, in reply, asked hon. Members not to be led away by plausible appeals, but to attend, above all things, to the interest of justice; impressed it upon the House that he spoke from the actual calculations of the Board of Inland Revenue, and did not rest upon an imaginative estimate of the magical results which would follow an improved morality; and declared, that although he was reputed to be an enemy of the landed interest, he would not do them so great an injury as would result, especially to owners of en-

*Mr. Hubbard*

cumbered property, from the adoption of his (Mr. Hubbard's) proposal; adding, that as at present (owing to the payment of interest on mortgages and settlements, all of which were paid in full), when the income tax was at 9*d.* in the pound the landowner really paid 11*½d.*, and that this 11*½d.* would under Mr. Hubbard's scheme be raised to 13*½d.*, "and that (concluded his right hon. Friend, in his passionate appeal to the landed interest) was the scheme proposed to them in the name of justice and fair play." To that formidable impeachment of his right hon. Friend, grounded (as it was assumed to be) on official facts and computations, he was able at the moment to oppose nothing but a simple disclaimer, which naturally would prevail as little against the statements of his right hon. Friend as the protestation of a criminal against the sentence of the judge. His right hon. Friend spoke in that House with no common authority, and therefore with no common responsibility. He could not, like other men, cast his words on the air to let them die away after they had served their momentary purpose; the words he uttered became a part of the history of the country. They were heard with attention in that House, and read all over the world; and wherever they were read they were received with deference and respect. Why did his right hon. Friend enjoy that wondrous prerogative? It was not because he stood in that House as a Minister of the Crown—it was not even because he had a command of language, perfect in diction, earnest, and of unrivalled eloquence; but it was, above all, because he was believed to speak with careful and scrupulous veracity on all occasions. That was the secret of his strength; and therefore it was no light censure upon a scheme when his right hon. Friend denounced it as injurious to the State and to the interests of social order. He did not complain of the terms in which his right hon. Friend had conveyed his censure, so long as those terms were but the expression of his own opinion, but when he passed from the region of opinion to the region of facts and figures, the case assumed a different complexion, and one of much greater gravity, and he must be allowed to say that in the debate to which he referred his right hon. Friend was led into statements which were inaccurate, and therefore not applicable to the case which they were put forward to meet. The first proposition of the Chancellor of the Exche-

quer was that the adoption of his plan would cause an immediate loss of £2,600,000 to the revenue. The second, that on the residue of encumbered property, the tax would be raised from 11½d. to 1s. 1½d. in the pound. With regard to the first statement, as well as the second, he was about to move for Returns which in due time would enable the House to see how the facts really were. With that frankness which characterized him, the Chancellor of the Exchequer had intimated his intention of making no objection to those Returns. In the mean time he (Mr. Hubbard) ventured to surmise that the sum to be lost, if the abatements were uncompensated by a readjustment, would not be £2,600,000, but very little over £2,000,000. In the next place, he was very much mistaken if it would not be proved that the operation of his scheme, instead of raising the tax on the residue of encumbered property from 11½d. to 1s. 1½d., would actually reduce it to 10½d. The effect of the scheme would be to remove one of the greatest defects in the present law. In fact, a grievance might be suffered by landed proprietors from the existing state of things of a far more serious character than that complained of in the case of traders, because in the case of the latter he did not think the grievance amounted to more than fifty per cent. That would be the amount if a trader was charged on £900 when he ought to pay on only £600; but in the case of a landed proprietor charged on the residue of encumbered property the excess might be as much as seventy or eighty per cent. Where he was beneficially possessed of only ten per cent of the net rental, he had to pay tax on twenty, because he had to pay on outgoings, which were nothing but a reinvestment of capital. In such a case the landowner was charged not at 9d., but at 1s. 6d. Under those circumstances the landed proprietors, instead of being parties to whom his scheme would be injurious, were parties who would largely profit by its adoption. He did not, however, appeal to landowners on any allegations of self-interest, nor did he feel that in bringing the subject under the notice of the House he was doing so in a private or personal character. Circumstances had induced him to look very carefully into the various Income Tax Acts, and the information he had acquired had led him to advocate the cause of those whom he

found to be aggrieved, with earnestness, but he trusted not with unbecoming warmth. He desired to effect a readjustment of the income tax, because he felt that its present operation was most detrimental to the morals of a very large number of the industrious classes of Great Britain. He trusted, therefore, that the House would not think it unbecoming in him to endeavour to vindicate his scheme from impeachments which he knew were baseless, and to show that it would not be attended with those injurious consequences which his right hon. Friend had imagined.

Motion made, and Question proposed,

"That there be laid before this House, Returns showing, under various heads, (1.) The amounts of Income Tax charged for the year 1860-1; (2.) The annual values on which the Tax was charged; (3.) The abatements before assessment proposed by the Chairman of the Income Tax Committee in 1861; (4.) The values which would be chargeable after proposed abatements; (5.) The rate of Tax on the aggregate abated value which would produce the original amount of Tax; (6.) The amount of Tax which would be chargeable under each head at the increased rate of Tax; and (7.) The rate of Tax on original values which would be equivalent to the charge on the new assessments:

[See Table in next page.]

"And, showing what would be the effect of the adjustment of the Income Tax proposed by the Chairman of the Income Tax Committee of 1861, in the increase or decrease of the rate of Tax thrown upon the portion of Land Rent remaining after discharging the annual burthens and outgoings, assuming that the burthens and outgoings are such as to raise the effective rate of Tax upon the net residue of rent from 9d. to 11½d. in the pound."

MR. POLLARD-URQUHART seconded the Motion.

THE CHANCELLOR OF THE EXCHEQUER said, that his hon. Friend was not quite correct in supposing that the Government would make any objection to his Motion as far as it was in their power to grant the Returns moved for. That part of the Motion which related on what might be called matters of fact they would readily accede to; but as for the last paragraph, which rested on no matter of fact, but was pure hypothesis and argument, it was not in their power to prepare such a Return. His hon. Friend in an adroit manner had mixed up two subjects which were distinct, separate, and incongruous — namely, a scheme for the collection of the income tax, and an impeachment of the Government for the mode of raising money adopted by them in order to provide for the for-

TABLE (referred to in p. 682).

| Schedule                                | 1. Amounts of Tax charged for the year 1860-1. | 2. Annual values on which the Tax was chargeable. | 3. Proposed Abatements. | 4. Values which would be chargeable after such Abatements. | 5. Rate of Tax on aggregate stated value which would produce the original amount of Tax. | 6. Amount of Tax chargeable at increased rate of Tax. | 7. Rate of Tax on original value equivalent to the charge on new Assessment. |
|-----------------------------------------|------------------------------------------------|---------------------------------------------------|-------------------------|------------------------------------------------------------|------------------------------------------------------------------------------------------|-------------------------------------------------------|------------------------------------------------------------------------------|
| Lands, Fisheries, Tithes, Manors, &c.   | A                                              | A                                                 | One-twelfth             | A                                                          | One-sixth                                                                                | —                                                     | —                                                                            |
| Fines                                   | —                                              | —                                                 | All                     | —                                                          | 15 per cent                                                                              | —                                                     | —                                                                            |
| Houses                                  | —                                              | —                                                 | One-sixth               | —                                                          | —                                                                                        | —                                                     | —                                                                            |
| Mines and Ironworks                     | —                                              | —                                                 | 10 per cent             | —                                                          | —                                                                                        | —                                                     | —                                                                            |
| Quarries                                | —                                              | —                                                 | —                       | —                                                          | —                                                                                        | —                                                     | —                                                                            |
| Gas, Railway, Canal, and other property | —                                              | —                                                 | —                       | C                                                          | —                                                                                        | —                                                     | —                                                                            |
| Public Dividends                        | —                                              | —                                                 | —                       | E                                                          | —                                                                                        | —                                                     | —                                                                            |
| Hereditary Pensions, Consolidated Fund  | —                                              | —                                                 | —                       | B                                                          | —                                                                                        | —                                                     | —                                                                            |
| Farms                                   | —                                              | —                                                 | —                       | D                                                          | —                                                                                        | —                                                     | —                                                                            |
| Trades and Professions                  | —                                              | —                                                 | —                       | E                                                          | —                                                                                        | —                                                     | —                                                                            |
| Officers—Salaries and Superannuations   | —                                              | —                                                 | —                       | —                                                          | —                                                                                        | —                                                     | —                                                                            |

*The Chancellor of the Exchequer*

tifications. He (the Chancellor of the Exchequer) did not think that business could be very conveniently conducted by the House if attempts were made to combine subjects between which even the ingenious mind of his hon. Friend had failed to show any natural relation beyond that they both related to figures, nor would he follow the example set by his hon. Friend. His hon. Friend complained, in the first place, that the Government had provided, or rather that the Legislature had ordered, that provision should be made for the expense of certain fortifications by means of annuities instead of by the more usual method of borrowing and creating a funded debt ; and he also complained of the mode in which the money had been found in order to take up those annuities. As regarded the first point, if his hon. Friend objected to the proceeding of Parliament, he ought to make a Motion to alter the provisions of the Act. The Government had no choice but to obey, but yet they thought that the mode proposed by the Act was the wisest way of making the necessary provision. The hon. Member for Peterborough (Mr. Thomson Hankey), who was not then in his place, had on a former occasion shown conclusively that his hon. Friend opposite was entirely inaccurate in his statement that raising money by annuities was in all cases a wasteful method of borrowing. His hon. Friend complained that the Government had made sales in the open market, but had not made the buyers of stock acquainted with all the circumstances under which the stock was sold. Now, even assuming that the facts were so, he was not aware that it was the custom of those who sold stock to make known the whole of the circumstances which might have induced them to sell ; but, however that might be, his hon. Friend was entirely mistaken as to the substratum of his argument. The sales in the open market, which he had so severely censured as contrary to prudence, and even morality, had not taken place. He did not say absolutely that since those annuities were first created there had been no sale in the open market ; but if there had been, it was of an entirely trivial character and by way of exception. The money had been procured by Her Majesty's Government not by sales in the open market, but by way of transfer from their buying to their selling account. The principal of the accounts with which they had to do was that for creating life and permanent annuities.

Persons who came to the Government for the purpose of purchasing those annuities brought with them a certain amount of money, and that money it was the duty of the Government, as laid down by law, to lay out in stock. But instead of seeking that stock in the open market they had carried over that stock from the Post Office savings banks and general savings banks accounts, and the money so procured they had used as means for carrying on the fortifications. The Government, therefore, had done nothing whatever to disturb the course of monetary transactions as far as the purchase and sale of stock were concerned.

With regard to the income tax, his hon. Friend had said that statements which fell from the Chancellor of the Exchequer were accepted as important, because they were believed to be accurate. Now, he would not yield even to his hon. Friend in the desire that all statements which he might submit to the House should be strictly accurate; but there was always a broad distinction between figures which professed to be accurate and rested upon matters of fact, and figures which rested entirely upon calculation. When his hon. Friend some time since submitted to the House his plan of raising the income tax, and it was fully discussed, he gave an intimation that he would return to the attack at "a future time." But, according to the traditional usages of the House in such matters that meant a future Session; and after a debate and division had taken place, it was thought that some respite had been purchased, and that it was not convenient to revive matters of the kind by delivering the same speeches textually and bodily over again in the course of the same Session. His hon. Friend said that he (the Chancellor of the Exchequer) had estimated the loss which would result from the adoption of his plan at £2,600,000, instead of something over £2,000,000. But the explanation was perfectly simple — they were speaking of two different things. When his hon. Friend said that the loss would be about £2,000,000, he was not speaking of his second plan for deduction upon the lower incomes. The additional loss which that plan would entail might be estimated at £500,000, and that added to £2,100,000, which would be the loss under his hon. Friend's first plan, would make £2,600,000. Now, the deduction of £2,100,000 his hon. Friend would distribute with a generous hand among va-

rious classes. To landed proprietors he would give 1-12th, to owners of house property 1-6th, to owners of mines and iron-works 15 per cent, to owners of quarries 10 per cent, and to the most favoured class of all—farmers, traders, professional men, and recipients of salaries from office, 33 per cent. There were some persons from whom his hon. Friend proposed to make no abatement—namely, the recipients of fines.

MR. HUBBARD said, with respect to that class, he proposed to make a deduction of the whole.

THE CHANCELLOR OF THE EXCHEQUER observed, that his hon. Friend would then make greater havoc with the tax than he had anticipated. He had been blamed by his hon. Friend for overstating the amount of burden sought by his hon. Friend's scheme to be laid on the owners of land and houses, and he thought it possible that in some respects he might have overstated the amount; but, whether that was so or not, it did not touch the reason and nature of the case. His hon. Friend was going to burden one class, and to do that by disburdening another; and that was the objection to the scheme. The owners of land were already under great disadvantage, inasmuch as they paid the tax on the gross and not on the net income. The owners of houses were under greater disadvantages than the owners of land; for, while they also paid on the gross, and not on the net income, unfortunately for them, their outgoings in a large amount of cases were greater than those of the owners of land. Then came his hon. Friend and proposed to deduct 1-12th from the owners of land, and 1-6th from the owners of houses. But what his hon. Friend deducted from the owners of lands and houses made its appearance again in the shape of a tax at a more elevated rate, which not only took away the whole benefit of the deductions, but positively imposed an additional burden. If his hon. Friend were to have his own way with the income tax, and were to carry his favourite project for reducing the rate on official salaries and on the incomes of bankers and merchants by one-third, he must, in order to make the tax produce the same amount as it then did, raise the rate from 9d. in the pound to 11d. The proposition only tended to create a new class of inequalities and anomalies, and would in some instances confer a boon totally unwarranted. In the case of the

greater number of the best houses the outgoings did not reach 5 per cent, and yet to the proprietors of these his hon. Friend proposed to make a present of 16 per cent. There were, on the other hand, a great number of owners of house property whose outgoings reached 25 or 35 per cent; and what comparatively was a boon of 16 per cent to them, even if it were an absolute boon? His hon. Friend's proposition would not only introduce inequality and injustice in a new form, but would do something more; for, when his hon. Friend said that he would lay on the owners of house property 3*d.* additional in the way of tax, it was unnecessary to say what an enormous amount of taxation the plan of his hon. Friend would lay on large classes of house property owners, who at present paid a tax on at least 25 per cent in excess of their net income. His hon. Friend's plan appeared to be unjust, inexpedient, and impracticable. So long as his hon. Friend talked of deducting from certain schedules, he would find plenty of willing listeners; but when, on the other hand, he stated that it would be necessary to increase the rate of tax on some schedules, then all ears, except those of the most favoured classes, to whom he gave 33 per cent, would be closed against him. His hon. Friend would, however, have succeeded in confronting class in the most painful and odious warfare with class. When the struggle about free trade was brought to a close, it was thought that that painful warfare arising out of an erroneously supposed opposition of interests between classes was in a great measure got rid of; but the plan of his hon. Friend would do much to revive all those angry feelings. He trusted, however, that on every occasion when the subject was brought forward his hon. Friend would fail to obtain a vote from the House of Commons favourable to his plan, just as he failed to do so from the Committee, which, without adverse prejudices, examined his plan fairly. With respect to the Motion, the first portion, in the form of a tabular statement, could be given; but, as to the latter portion, there was an objection to public departments giving Returns founded on computations.

SIR FREDERICK HEYGATE said, that as a Member of the Select Committee of last Session he desired to say a few words. It was essential that in every matter of this kind justice should be adhered to; and he had come to the conclusion, upon an examination of the whole question, that

*The Chancellor of the Exchequer*

the persons under Schedule D not only suffered no injustice, but that they actually possessed several advantages over the persons assessed under the other schedules. The chief axiom of the hon. Member for Buckingham (Mr. Hubbard) was, that a tax should press equally on all members of the community, and that the income tax was not a tax of that description. Now, on looking at the different classes of taxation he was at a loss to discover where any such principle could be found. For instance, the duty on insurances fell chiefly on the owners of house property, and the probate duty was a tax on survivors only. The very exemption of incomes under £100 a year is made on the same principle; an exemption which he thought it would be only fair to extend to those under £150 a year. There was no tax, he contended, that pressed equally on all classes of the community. The hon. Member for Buckingham had made use of the argument that the unfair pressure of taxation under Schedule D led to a great amount of fraud in making the returns. If that were so, it arose, not from the amount these persons had to pay, but because they had the power of self-assessment. Now, this was in itself a great advantage which the persons assessed under Schedule D possessed over those assessed under the other schedules. The late Mr. Wilson proposed to divide incomes into three classes. From the first class, which comprised realized property, he proposed to make a reduction of 12½ per cent. From the second, which comprised incomes partly derived from realized property, and partly from the personal exertions of individuals, he proposed to deduct 25 per cent. From the third class, comprising all persons under the operation of Schedule D he proposed to deduct 50 per cent. Mr. Wilson fixed upon the sum of £530,000 as the amount which it would be fair to deduct from the various Schedules, principally Schedule D, before assessment to the Income Tax. That was in 1853. Now, it appeared to him (Sir F. Heygate) that in considering this question the succession duty on land had been entirely overlooked. It should be borne in mind that the succession duty was proposed by the Chancellor of the Exchequer with the view, among other objects, of remedying any injustice the owners of property which came under the class of Schedule D might be supposed to suffer. The right hon. Gentleman the present

of public companies. But the general result would not be very different from that under the form of Returns he proposed. It was a principle in his scheme to assess differently the products of property and the earnings of skill and intelligence. The impossibility of learning the amount of traders' capital must reconcile one to the necessity of taxing the combined product of skill and capital in private trade; but as joint stock companies distinguished their proprietors' capital, it was both practicable and just to distinguish for taxation the salaries of the skilled labourer and manager from the dividend of the proprietor. His right hon. Friend objected to the second Return he had moved for; and as his right hon. Friend had admitted the point he wished to prove—namely, that his scheme so far from raising the effective tax on landowners' residue of rent from  $11\frac{1}{2}d.$  to  $13\frac{1}{2}d.$ , would actually reduce it to  $10d.$ —he would omit it, and conclude by moving for the first Return only.

[Then the Returns, as amended, comprised in the Tabular Statement only, were agreed to, omitting the paragraph following the same.]

Returns ordered.

#### CHANNEL ISLANDS.

COMMISSION MOVED FOR.

SIR FREDERIC SMITH said, he rose to move the Address of which he had given notice. He could assure the House that he felt the responsibility he incurred in bringing so important a subject before it. Every year they had a debate raised upon the propriety of holding Alderney as a military station, and forming a harbour of refuge there. If that was a fit subject for discussion, how much more fit for it was the question whether they should hold those two larger Channel Islands, which were far more difficult to defend, and of much less value than Alderney—namely, Jersey and Guernsey. On what ground did they attempt to hold them? He did not believe they were under any moral obligation to do so; and still less did he believe in the possibility of their defending them with the small military force they possessed. He understood that the Duke of Wellington had suggested that 10,000 men would be required for the Channel Islands. Of that number Alderney would take 3,000; but what could be said in favour of locking up the remaining 7,000 in the other two islands? With

a properly organized militia Jersey and Guernsey could defend themselves. Some years ago the people of Guernsey maintained their own fortifications, but the works had been transferred to the War Department, and were maintained at the expense of this country. At Jersey England had always constructed the works. She built Fort Regent, placing it, however, in a wrong position, where the troops would be trapped instead of being sheltered; and it afforded no protection to the town of St. Helier's or the surrounding country. When the Duke of Wellington recommended 10,000 men for the Channel Islands, England had not the gigantic works now in progress at Portsmouth and elsewhere. The seventeen miles of fortifications proposed for Portsmouth would require a garrison of 25,000 men. Plymouth would require another 25,000, Chatham 15,000, Dover 6,000, Pembroke 8,000, the Isle of Wight 6,000, Sheerness 5,000, Ireland 10,000, and Scotland 10,000, making an aggregate of between 100,000 and 110,000 men. The Militia and the Volunteers, however valuable, could not defend their great arsenals against the best regular troops in Europe except their own; and they could not possibly spare 10,000 men of their regular army for the Channel Islands. Previous Commissions had inquired into the subject of the defence of these islands, but the Commissioners were mostly naval and military men who, though very able in their respective professions, required to have been associated with statesmen, so that the financial and political bearings of the question might be duly considered. Great blunders had been committed. In 1845 the Government determined, on the Report of a professional Commission, to construct the harbour of St. Catherine's, in Jersey, at a cost of £300,000. The work was stopped in 1862. That money had been entirely thrown away, and the work would be more useful to an enemy than it would be to England. It was worth nothing at present except to an enemy, and therefore the Government should either complete it, or remove what had been constructed. The militia of the islands should be put upon a proper footing, which certainly was not the case at present; for, if the inhabitants of Jersey could not in a great degree defend themselves, the 2,000 or 3,000 men we could send there would be thrown away. The points of landing upon the island were not numerous, and if—as would be the case

open for the commission of fraud by means of making false returns, its pressure might be mitigated. He regretted that the Chancellor of the Exchequer had not acceded to the whole of the Motion, for the Returns moved for would have shown the country what would have been the real effect of the readjustment proposed by the hon. Member for Buckingham. Great injustice was at present done to the landowners, and to those who derived their incomes from certain kinds of house property, and the time had come when something should be done for their relief. He was the more anxious that the income tax should be placed upon a sound basis, because he desired to see it permanently established, believing that it had enabled the present and past Governments to improve our fiscal system, and that future Governments would find in it the means of taking off those indirect taxes which still restricted our commerce, and lessened the comforts of the great body of the people.

SIR HENRY WILLOUGHBY said, he must decline to discuss the income tax, because, do what they would, they could not make it agreeable. It was a most detestable impost, incapable of amendment, and the best plan would be to get rid of it as soon as possible. Such a tax ought not to exist in time of peace; and if, as they had been told by the right hon. Gentleman the Chancellor of the Exchequer, £65,000,000 was a revenue amply sufficient even during the Crimean war, there was some reason to hope, that if things went quietly, at least one-half of the income tax might be taken off next year. But what he wished to remark upon at that moment was the objection taken by the hon. Member for Buckingham (Mr. Hubbard) to the Chancellor of the Exchequer, when authorized by the Legislature to raise annuities, being permitted to sell those annuities practically to himself. It appeared that a large portion of the Fortification Annuities had been taken by the savings banks. Everybody knew that the manager of the savings banks had nothing to do with such transactions, which always took place between the Chancellor of the Exchequer of the day and the Commissioners for the Reduction of the National Debt. Now, the Chancellor of the Exchequer was a leading Commissioner, and practically he had sold the annuities to himself. That was a most vicious system, and he hoped the House would stamp it with its reprobation.

*Mr. Pollard-Urguhart*

SIR STAFFORD NORTHCOTE said, he would suggest that the hon. Member for Buckingham, in accordance with his own plan for the readjustment of the income tax, should distinguish in the Return for which he had moved between trades and professions generally and joint-stock companies. The proposal of the hon. Member was to allow trades and professions generally to deduct one-third from their incomes; but he would not permit joint stock companies carrying on business to make any deductions at all. Such a plan, if adopted, would operate most injuriously, and it was only right that the real effect of it should be made known to the country. His hon. Friend would by no means get rid of the difficulty and injustice of the income tax by his plan. He mitigated them only in a very insignificant degree. Nothing was easier than to point out anomalies in its incidence; but that fact only showed that they ought not to lay that stress on it they were now doing—that it was desirable to reduce the pressure to the *minimum*, and that they should only have recourse to the tax in an emergency, and for great objects; but the scheme proposed by his hon. Friend was full of objections and inequalities. Thus, for instance, there was no doubt that landed proprietors whose property was subject to mortgages were unjustly treated by the system of charging upon the gross rental; and he understood his hon. Friend to say that by his plan he would get rid of that injustice, by relieving the proprietor from a proportion of the charges of management; but that really was not sufficient, and would still leave him liable to more than his fair proportion as calculated upon his net income; and the proposal to increase the tax upon real property in order to relieve the taxpayer under Schedule D would increase the injustice, and make the proprietor of landed or house property liable to perhaps more than he paid then. His hon. Friend drew a line which would cause the greatest dissatisfaction, and give rise to questions that would go on spreading from year to year until the tax became perfectly odious, and utterly useless for all purposes of finance.

MR. HUBBARD replied: He should have been very glad to have his Return rectified according to the suggestion of his right hon. Friend the Member for Stamford; but he found that the Board of Inland Revenue could not, without much trouble and delay, distinguish the returns

of public companies. But the general result would not be very different from that under the form of Return he proposed. It was a principle in his scheme to assess differently the products of property and the earnings of skill and intelligence. The impossibility of learning the amount of traders' capital must reconcile one to the necessity of taxing the combined product of skill and capital in private trade ; but as joint stock companies distinguished their proprietors' capital, it was both practicable and just to distinguish for taxation the salaries of the skilled labourer and manager from the dividend of the proprietor. His right hon. Friend objected to the second Return he had moved for ; and as his right hon. Friend had admitted the point he wished to prove—namely, that his scheme so far from raising the effective tax on landowners' residue of rent from  $11\frac{1}{2}d.$  to  $13\frac{1}{2}d.$ , would actually reduce it to  $10d.$ —he would omit it, and conclude by moving for the first Return only.

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a properly organized militia Jersey and Guernsey could defend themselves. Some years ago the people of Guernsey maintained their own fortifications, but the works had been transferred to the War Department, and were maintained at the expense of this country. At Jersey England had always constructed the works. She built Fort Regent, placing it, however, in a wrong position, where the troops would be trapped instead of being sheltered ; and it afforded no protection to the town of St. Helier's or the surrounding country. When the Duke of Wellington recommended 10,000 men for the Channel Islands, England had not the gigantic works now in progress at Portsmouth and elsewhere. The seventeen miles of fortifications proposed for Portsmouth would require a garrison of 25,000 men. Plymouth would require another 25,000, Chatham 15,000, Dover 6,000, Pembroke 8,000, the Isle of Wight 6,000, Sheerness 5,000, Ireland 10,000, and Scotland 10,000, making an aggregate of between 100,000 and 110,000 men. The Militia and the Volunteers, however valuable, could not defend their great arsenals against the best regular troops in Europe except their own ; and they could not possibly spare 10,000 men of their regular army for the Channel Islands. Previous Commissions had inquired into the subject of the defence of these islands, but the Commissioners were mostly naval and military men who, though very able in their respective professions, required to have been associated with statesmen, so that the financial and political bearings of the question might be duly considered. Great blunders had been committed. In 1845 the Government determined, on the Report of a professional Commission, to construct the harbour of St. Catherine's, in Jersey, at a cost of £300,000. The work was stopped in 1862. That money had been entirely thrown away, and the work would be more useful to an enemy than it would be to England. It was worth nothing at present except to an enemy, and therefore the Government should either complete it, or remove what had been constructed. The militia of the islands should be put upon a proper footing, which certainly was not the case at present ; for, if the inhabitants of Jersey could not in a great degree defend themselves, the 2,000 or 3,000 men we could send there would be thrown away. The points of landing upon the island were not numerous, and if—as would be the case

in the event of war—an English fleet occupied the Channel, no Imperial troops ought to be necessary. With respect to Alderney the case was different, and he did not object to expenditure of money in forming a harbour there. In former times England blockaded the enemy's ports; and doubtless that would be attempted in future wars, though some experienced officers doubted the practicability of effectually doing so with steam fleets; but in any event Alderney would act as a check upon Cherbourg; and if a harbour were formed there, vessels would not have to run to Portsmouth to coal and for repairs, as at present they were obliged to do. It was known that the Emperor of the French was constructing a port for gun-boats on the coast of France immediately opposite to Jersey, and in the unhappy event of war between England and France we should require a force prepared to attack that port. The navy of England had always been in the habit of seeking its foes and not waiting to be attacked, and it was not likely to introduce a new practice now. It must be admitted that the inhabitants of the Channel Islands had ever been loyal to this country, and any protection that they required, and that England could afford, they seemed well entitled to, but the question was one demanding inquiry, and he therefore proposed that it should be undertaken by a Royal Commission, as suggested in his Motion.

**Motion made, and Question proposed,**

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to appoint a Royal Commission to inquire into the policy of the Military Occupation of the Channel Islands, and the practicability of ensuring their safety against Foreign Invasion."

SIR GEORGE LEWIS said, that the hon. and gallant Officer had expressed a confident hope that he would be able to accede to the Motion. He therefore lost no time in undeceiving him, and in declaring his inability to support the terms of the Motion. He collected from the speech of the hon. and gallant Officer that the conclusion at which he wished the intended Commission to arrive was, to negative both the propositions contained in the Motion. The Channel Islands had belonged to the Crown of England since the Norman Conquest, and, though inhabited by a population which, to a considerable extent, spoke French, and formerly formed part of the

*Sir Frederic Smith*

duchy of Normandy, the population were sincerely attached to the British Crown.

An hon. MEMBER here moved that the House be counted.

MR. AUGUSTUS SMITH moved, that the name of the hon. Member making the Motion be taken down.

MR. DIGBY SEYMOUR seconded the Motion.

MR. SPEAKER said, it having been stated that there were not forty hon. Members present, he must first ascertain whether there was a House before he could entertain any Motion.

Notice taken, that 40 Members were not present; House counted; and 40 Members not being present,

House adjourned at half after Eight o'clock.

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**HOUSE OF COMMONS,**

*Wednesday, June 18, 1862.*

**MINUTES.]—PUBLIC BILLS.—1<sup>o</sup> Pier and Harbour Orders Confirmation; Judgments, &c. Law Amendment.**

**SALE OF SPIRITS BILL.—COMMITTEE.**  
Order for Committee read.

MR. W. E. FORSTER said, that before the House went into Committee he wished to move—

"That it be an Instruction to the Committee, that they have power to extend the operation of the Bill and of the Act thereby amended, to the Sale of Beer, Wine, and Cider."

He had opposed the second reading of the Bill, as he thought it better that the subject should remain as it was until it was dealt with by a general measure on the subject of licensing public-houses which could not long be delayed. As, however, the House had decided that the time had arrived when an alteration of the law as regarded the Tippling Act was necessary, he was desirous of making that alteration as widely useful as possible, and therefore he proposed to extend the operation of the Bill to beer and all other intoxicating drinks. As it stood, the Bill was limited to spirits and to licensed victuallers. He proposed to extend it to the keepers of beer-houses as well as to licensed victuallers. There was, he believed, a general feeling in favour of such an extension, and there could be no question of its necessity. The original object of the law was not, he

apprehended, to make men sober by Act of Parliament, but to remove as far as possible the temptation to get drunk to which men were subjected. He would remind the House that a new class of public-houses had arisen since the Tippling Act passed—namely, the beer-houses—to which, had they existed at the time the Tippling Act passed, no doubt the provisions of that Act would have been made applicable. There could be no question that drunkenness was promoted by these beer-houses as well as by the public-houses, and experience showed that they ought to be placed under restrictions at least equally strict. In many instances, in the country, the working man was encouraged to run up scores at these beer-houses, and, being unable to pay, became, as it were, the slave of the beer-shop keeper, who obliged him to go on taking beer (payment being made by a shilling or two at a time) under the threat of taking proceedings against him for the recovery of the debt if he did not do so. The county court judges had testified to the evils of beer-houses, and instances were stated in which, by the system alluded to, the earnings of working men were forestalled by weeks for beer scores, while their families were reduced to the greatest suffering and distress. That view was taken by Mr. Marshall of Leeds, Mr. Harden of Salford; and, in fact, the opinion was almost general, amongst all who had opportunities of examining the subject, that the principle of the Tippling Act should be extended to these houses. Not being a total abstainer himself, he was no advocate for the Maine liquor law, but it was obvious that some means should be adopted to lessen the temptations now held out to the lower classes to waste their earnings in intoxicating drinks. There was, however, no subject which had taken such hold of the public mind as the licensing system; and it was obvious that ere long some general Bill on the subject of licensing all these houses for the sale of intoxicating liquors must be introduced by the Government.

**Motion made, and Question proposed,**

"That it be an Instruction to the Committee, that they have power to extend the operation of the Bill and of the Act thereby amended, to the Sale of Beer, Wine, and Cider."

MR. HUNT said, he rose to second the Motion. It might be objected that such a provision could not be introduced into a measure the title of which was the Sale of

Spirits Bill; but he thought, if that objection were urged, that the title could be altered in Committee. There could be no doubt, however, but that it was a great evil that the working classes should have such great facilities for obtaining intoxicating liquors on credit. Many a poor man had a large score run up against him when half drunk, and went on calling for more beer at a time when he had no control over himself, and when his memory was in such a state that he was not capable of checking the score which was put up against him.

MR. DODSON said, the Tippling Act was passed during the last century, with a view of putting down drunkenness by Act of Parliament. It applied exclusively to the sale of spirits in small quantities; and though it had been generally admitted that the provisions of the Tippling Act were absurd, yet the hon. Member for Bradford proposed to extend those provisions to articles which they had never embraced before, and he hoped the hon. Member would explain why he had excluded perry from his Motion. His chief objection, however, to the proposal related to the time and manner in which it was brought forward. The House had carefully provided by a multiplicity of forms against anything like a surprise in the course of legislation. But the hon. Member for Bradford had violated the spirit, if not the letter of those rules, by bringing forward suddenly, and on very short notice, a Resolution which would seriously affect a trade in which 150,000 persons were engaged. In a Bill to remove restrictions from the sale of spirits, one would certainly not expect to find novel restrictions placed on the sale of beer. It was not right that the scope and object of the Act should thus be altered at the last moment.

SIR GEORGE GREY said, he would admit that great evil arose from allowing scores to be run up for supplies of beer as well as of spirits; but at the same time he thought that the objection taken by his hon. Friend who had just sat down to the instruction was insuperable. It was only fair that when the interests of an extensive trade would be affected by a change in the law, the persons engaged in that trade should have due warning of it. That warning had not been given in the present instance, for the hon. Member for Bradford only put his notice on the paper which was issued on Saturday morning. He was not sure that there

was not a positive objection in point of form to the course taken by the hon. Member, because the rules of the House required that any legislation affecting trade should originate in a Committee of the Whole House. The hon. Member who introduced the Bill (Mr. P. W. Martin) complied with that order; and it was a question whether the hon. Member for Bradford, in introducing matter so completely new and different from the scope of the Bill, should not have done so also. If these reasons should prevail against the acceptance of his hon. Friend's proposal, he should be sorry to say anything upon its merits.

MR. LOCKE said, he was of opinion that the Motion of the hon. Member ought to be at once rejected, as having nothing whatever to do with the subject before the House, namely, the sale of spirits. He might refer to an instance when he had been prevented introducing a clause into a similar Bill, on the ground that it was not germane to the subject of the Bill.

MR. SOTHERON ESTCOURT said, that with regard to the merits of the question, no substantial difference could be drawn between one intoxicating drink and another. The question was a moral question, and if the instruction could not be given according to the form of Parliament, he thought it would be much better that the Bill should be withdrawn, and be brought in again in the next year with the proposed provision in it. With regard to the alteration of the Tippling Act, he could only say that that Act had been in operation for a hundred years, and he had never heard any valid objection to it, and yet it was proposed to be repealed upon the motion and authority of an unofficial Member. If such an alteration were necessary, it ought to be proposed upon official authority. He would therefore suggest that after the House had gone into Committee progress should at once be reported, in order that an arrangement might be come to as to the course which was to be adopted.

MR. SPEAKER said, that with reference to the point of order raised by the right hon. Gentleman the Secretary of State, the necessity for an instruction arose from the Acts relating to spirits being considered to be quite a distinct class by themselves; and therefore dealing with beer, cider, and wine would be dealing with different trades. As the House could not deal with these trades without a pre-

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liminary Committee, if they proposed to deal with them by an instruction, they would pass by a stage which in due order and course ought first to have been gone through; and the instruction would deal with matters which, by the rules of the House, ought first to have been dealt with in Committee of the Whole House. For these reasons the objection to the proposed mode of proceeding would, if pressed, hold good.

MR. W. E. FORSTER said, that after the intimation of the right hon. Gentleman, he should, of course, withdraw his Motion.

Motion, by leave, withdrawn.

House in Committee.

MR. W. E. FORSTER said, he would move that the Chairman report progress. If the Tippling Act were to be amended at all, it ought to be effectually amended. He thought with the right hon. Gentleman opposite, that it would be better to withdraw the Bill, and see if the Government would in the next year bring forward the consideration of the whole question of licensing and the sale of spirits.

SIR LAWRENCE PALK said, he hoped the Committee would not support the hon. Member in his proposition. He agreed with the hon. Member that the instruction he had suggested was a good one; but as it was not in form, and, above all, as it would have come on the parties interested by means of a side-wind, and in surprise, he thought they ought not to jeopardize the Bill, which contained some good provisions, by adopting such a course as that suggested by the hon. Member.

SIR GEORGE GREY said, he could not understand what was the object sought to be obtained in reporting progress. If it was intended to bring in another Bill, the proper course would be to move that the Chairman leave the chair. Moving to report progress would be merely to move that the Bill be postponed for a day or two.

MR. W. E. FORSTER said, that he had been informed by the highest authority that it would be more in accordance with order to move that the Chairman should report progress.

MR. P. W. MARTIN said, the Tippling Act was used as a means of defrauding wine merchants, and he had been that morning informed that the wine merchants of the country had held a meeting, and they had come to the resolution that they could, under the present state of the law, only protect themselves by requir-

ing that none of their small customers, farmers and others, should take less than two gallons of spirits. Such was the present uncertain state of the law that they were compelled to adopt this course. The little Bill before the Committee was simply an act of justice in no way affecting the general question of temperance or the licensing system, which could be dealt with in a general measure next year.

MR. SOTHERON ESTCOURT said, he had no wish to get rid of the Bill by a side-wind. If the Committee consented to report progress, the hon. Member for Bradford might then move a Resolution in Committee of the Whole House, and introduce a Bill which might be combined with that under consideration. If, however, they passed the latter measure through Committee, that course could not be taken. The Bill, being but a partial measure, would not give satisfaction to the country.

MR. AYRTON said, the Tippling Act was, in point of fact, a part and parcel of the licensing system, and therefore the subject ought to be treated as a whole. The measure before them was not asked for by the public, but by a trade for their own benefit. He trusted, therefore, that the Committee would agree to the Motion of the hon. Member for Bradford.

MR. DODSON said, the Motion to report progress was tantamount to moving the rejection of the Bill. He hoped therefore that the Motion would be rejected.

MR. PACKE could not understand what object was to be gained by reporting progress. If it was to alter the Bill, that alteration could only have been effected at a former stage of the Bill. The Motion was simply by a side-wind to defeat the Bill.

MR. BRISCOE said, he was opposed to the Amendment. The Tippling Act sanctioned the grossest injustice, and ought to be repealed.

SIR STAFFORD NORTHCOTE said, nobody disputed the merits of the Bill of the hon. Member for Rochester. The question was, whether the matter, which formed a part of the licensing system, should be dealt with separately. The object in moving to report progress was in order to see if they could not embody the principle adopted by the hon. Member for Rochester (Mr. P. W. Martin), and that of the hon. Member for Bradford (Mr. W. E. Forster) in the same Bill. He had no desire whatever to postpone

the passing of the Bill, but, with the understanding just announced, he should support the Motion for reporting progress.

MR. LOCKE said, it appeared from the speech of the right hon. Baronet that the whole Committee was of accord with respect to the provisions of the Bill. Well, if that were so, what objection could there be to pass it as it stood? It was obvious, that if the provisions advocated by the hon. Member for Bradford were tacked on to the Bill, they would be adding something to it about which considerable difference of opinion existed. They were arrived at the 18th of June, and the hon. Member for Rochester was exceedingly fortunate in having pushed on his Bill to that stage already; but he should like to know what chance the hon. Member would have of again bringing on the Bill for discussion if he were to consent to the Motion for reporting progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."

The Committee divided:—Ayes 50; Noes 130: Majority 80.

Clause 1 (Section 12 of 24 Geo. II., c. 40, repealed).

SIR LAWRENCE PALK observed that it was rendered incumbent on the seller to prove that the spirits were actually delivered at the house of the purchaser, and he wished to ask what was to be proof of delivery?

SIR GEORGE GREY said, the intention was to prevent spirits from being sold in small quantities except under exceptional circumstances, such as in case of illness. Delivery might be either by the servant of the seller or of the purchaser.

MR. COX said, he thought there would be great difficulty in proving—first, that the person gave the order; and, next, that the spirits were actually delivered.

MR. LOCKE said, he objected to the word "residence," which, in legal acceptation, meant the place where the person slept. A man might live out of town, and have occasion to get the spirits sent to his place of business.

MR. MURE said, he wished to ask what was meant by a "reputed quart."

MR. AYRTON said, a "reputed quart bottle" was a term perfectly well understood in trade.

MR. CAYLEY said, the phrase was well known, and had been employed and

defended not two years ago by the Chancellor of the Exchequer. He himself tried hard to discover its exact meaning, but could not arrive at anything beyond a general idea that it was a constantly diminishing quantity.

MR. SOTHERON ESTCOURT said, he thought the term "reputed quart" preferable to "reputed quart bottle," otherwise the word "bottle" might be regarded as a measure of quantity.

MR. P. W. MARTIN moved the omission of all the words after the word "shall," and to insert the words—

"be and the same is hereby repealed, so far only as relates to spirituous liquors sold to be consumed elsewhere than on the premises where sold, and sent to and delivered at the residence of the purchaser thereof in quantities not less at any one time than a reputed quart."

*Amendment agreed to.*

*House resumed.*

*Bill reported; as amended, to be considered To-morrow.*

#### CLERGY RELIEF BILL.—COMMITTEE.

*Order for Committee read.*

MR. NEWDEGATE said, that notwithstanding the proposal that the Bill should be referred to a Select Committee, he could not help viewing its provisions with considerable apprehension. It would enable any clergyman, of his own motion, to declare that he dissented from the doctrines and discipline of the Church of England; and having made that declaration, he would be at once relieved from the liabilities which were now imposed upon him by the ecclesiastical law. He trusted the House would seriously consider the effect which the granting of that privilege to the clergy would have upon the congregations of the Church of England and the parochial system generally. He had personal knowledge upon the subject, which he had submitted to members of the Government, and which he was willing to submit to any other Member of the House. The point which he then wished to bring before the House was this:—By the proposals of the Bill, by a mere declaration of dissent from the doctrines of the Church, a clergyman could call upon his bishop to relieve him from all his clerical privileges and liabilities. Having shaken off the doctrines which he had voluntarily embraced, and the discipline to which he had voluntarily subjected himself, it would be open to that clergy-

man to establish at the very gate of his former parish church, where he had gained influence over the minds of the people, a separate edifice for the teaching of opinions alien to, and subversive of, the Church of England. The old law of the Catholic Church, which declared, that when a man of his own free will entered the priesthood of the Church, the obligations thrown upon the priesthood should abide in him for ever, was, in his opinion, a very wise law. He could not forget that the clergy of the Church of England had acquired an influence in this country in proportion to the obligations which they had undertaken; and under the Bill now before the House a man, having first acquired the influence which attached to him as a clergyman, and having, perhaps, led his congregation away from the doctrine and discipline of the Church, could at once provide for their final separation from the Church, and establish them in some separate communion and some separate place of worship close to the church which they had left. That was no imaginary case; there had been instances of that danger in the county which he had the honour to represent, attempts having been made by clergymen who had abandoned the doctrines of the Church to establish dissenting congregations in the immediate sphere of their former action as clergymen of the Church. They were warned in a book which all of them venerated of the power of false brethren; and even in that House the hon. Member for Birmingham, to whom he was generally opposed in political opinion, and who was not supposed to be very friendly to the Church, had warned them that the danger to the Church was from within. He (Mr. Newdegate) could not help viewing with alarm and apprehension any measure which left the Church of England open to the insidious arts of those who, appearing for a time to be members of that Church, and having, perhaps, remained in it for months, or it might be for years, taught and preached in that church with the covert purpose of leading away the congregations, whom they had sworn to teach according to the doctrines of the Church of England, into some other communion. Unless some provision were introduced, by which at least some interval should be secured between the period that any clergyman should declare his dissent, and claim his liberation from the restrictions of the law, and his having it in his power to establish in the parish

*Mr. Cayley*

to which he had been attached some sect, differing from the Church of England, perhaps labouring for its subversion, they would have instances in too many cases of confusion in the parishes of this country, such as he was quite sure it was not the intention of the House to create. He hoped the House would excuse his having pointed out this danger, because it was no imaginary one. He pledged himself, if any Member of the House wished for information, to furnish instances in which parishes had been preserved from malpractices of this nature solely by the provisions of the existing law, which retained every clergyman subject to the law ecclesiastical for life, although he might have declared his separation and dissent from the Church. There was no penalty on the clergyman personally for declaring that he was no longer willing to submit to the discipline, or that he rejected the doctrine of the Church. But the penalties of the law went to this, that they protected the congregation against practices such as he had alluded to, by which the faith of many might be endangered, the danger being aggravated by the circumstance that the congregation would be led away by those who had been appointed to teach faithfully, and whom the congregation believed to have been teaching faithfully the doctrines of the Church. The value of the Church of England to the country had been and was this: that she was a branch of the Catholic Church, and that, as he believed, she was the purest branch of the Catholic Church because she was Protestant. He would ask any hon. Member who entertained liberal opinions to consider the power and condition of the human mind. They, themselves, might be free from all respect for tradition; but if they looked around the world, they would see that the majority of Christendom was governed by tradition, could they counteract that power? He lamented to say that the Protestants were in a minority in Christendom, and that the majority were those who adhered to the traditions of the Church of Rome. Such was the strength of these traditions that men even of powerful and cultivated intellects could not break their bonds, and the Church of Rome continued united under a religious system which, he regretted to say, had degenerated into superstition, while so far as the government of the Church of Rome was concerned it consisted of little more than a political organiza-

tion. He should deeply regret to see the Bill become law, because the Church of England was interwoven with the best parts of the history of the country. Its roots lay deep in the foundations of our social fabric, and his fear was that the House, in its generous sympathy for individuals, might strike a blow at the very foundation of an establishment which, as far as it was possible for human intellect to ascertain, had not only proved a safeguard, but had conferred the greatest blessings upon the country for generations. Of course they could not expect that the clergy generally should be very earnest upon matters of this nature. Every man thought himself virtuous enough to be a law unto himself; but the very existence of the law which the Bill proposed to abrogate afforded a proof, to his mind, that evil might arise. He trusted that the House, before they consented to abolish one of the fundamental rules of the Church, would deeply consider the great danger which he had pointed out as likely to ensue to the congregation of the Church.

SIR LAWRENCE PALK said, he had listened with great attention to the solemn warning which the House had just received from his hon. Friend, and he only trusted that the gloomy anticipations of his hon. Friend would not be entirely fulfilled. At the same time, he must confess that he viewed some portion of the Bill with great dissatisfaction. He was aware that the principle of the Bill had been affirmed by the House, and therefore that it was unusual to oppose the Motion for going into Committee; but he could not avoid expressing the surprise he felt that a Bill of such a nature should ever have come out of a Select Committee of the House of Commons. By the Bill itself all power of enforcing discipline and control over the clergy was entirely taken away from the bishops. Any person who quarrelled with his bishop, or preached any doctrine which left him open to ecclesiastical censure, had nothing to do but to declare that he conscientiously dissented from the opinions of the bishops, and he was at once, *ipso facto*, relieved from any censure, or from any proceedings which might be taken against him for preaching heresies. Still further, a clergyman of the Church of England might commit any immorality, and would yet only have to plead that he dissented from the doctrine of the Church, in order to relieve himself from all proceedings.

In short, a clergyman might one day exercise all the most solemn ordinances of the Church, and the next day throw off his ecclesiastical garments, and appear in a red coat and top-boots upon a racecourse. He must confess that of all the Bills ever introduced into the House of Commons since he had the honour of a seat in it, he believed that under consideration was the most destructive to the interests of the Church, and the most dangerous that could possibly be passed. He felt confident that if it succeeded in getting through the House of Commons, it would never be allowed to become the law of the land.

House in Committee,

**Clause 1 (Persons in Holy Orders and becoming Dissenters to be exempt from Ecclesiastical Penalties.)**

MR. DARBY GRIFFITH said, he rose to move an Amendment having for its object to substitute for the declaration required by the clause one to the following effect:—

"I desire to be relieved from any civil disabilities, disqualifications, restrictions, and prohibitions to which I may be subject as being in holy orders."

If they undertook to legislate on a subject of this great importance, they were bound to do so upon some clear and definite principle. But this Bill, while endeavouring to remedy a practical difficulty, confused every principle at issue, and consulted only the convenience of an empirical expediency. To require a declaration of dissent from any one seeking to avail himself of the provisions of the Bill was to hold out a premium for dissent. Going through the wide range of doctrine and discipline, he did not believe that there was any hon. Gentleman in that House, or out of it, who would find any difficulty in naming some slight point on which he might have differed from the practices of the Church of England, or from the doctrine laid down in the Thirty-nine Articles. A declaration of dissent might, therefore, be made by almost any person, although the person making it might not dissent from the doctrine or discipline of the Church of England on any matter of importance. The Bill, as it now stood, might induce persons to make that declaration, who would afterwards be found professing themselves members of the Church. It was impossible that they could thus trim between two opinions—either they must provide means

for liberating, from civil penalties at least, every person who might wish to retire from the clerical functions of the Church, or they must remain as they were; they could not perpetrate so glaring an anomaly as to let loose one portion of the profession and to retain another in bondage. Under these circumstances, he begged to move his Amendment.

MR. E. P. BOUVERIE said, no one who did not hold that the Church of England was infallible could doubt that after their ordination some of the clergy of that Church might conscientiously arrive at convictions inconsistent with their position. Those gentlemen were at present unable to abandon a ministry which they had entered under a totally different conception of doctrine from that which they now felt compelled to adopt. Were the House to insist on their remaining in the Church to teach what they believed to be false, or were those clergymen to teach from the pulpits of the Church of England doctrines opposed to those held by that Church? That was the difficulty which the hon. Member for Warwickshire would put them in. With regard to the Amendment of the hon. Member for Devizes, what that hon. Member proposed was, that whether a clergyman dissented from the doctrines and discipline of the Church of England or not, he should be allowed to abandon his profession on a declaration that he desired to do so. He did not now say whether he himself agreed with the hon. Member for Devizes or not; but he did say that the principle laid down by the Amendment was a very different one from that sought to be established by the Bill. The hon. Member wished to make the Bill one of a much more extensive character than it was; and as he thought it would be not nearly so acceptable to many persons in that House and the country if it were so altered, whatever his private opinion might be, he must ask the Committee to reject the Amendment.

MR. HENLEY said, that without saying anything on the principle of the Bill itself, he would merely remark that the Amendment of the hon. Member for Devizes would lay down a totally different principle. That Amendment would confer the benefit of the proposed Act on any clergyman of the Church of England who wished to walk out of the profession, whether he dissented from the doctrines of the Church or not. If it was as easy to find a point of dissent as the hon. Member for Devizes seemed to

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suppose, any clergyman might make the declaration required by the clause, and therefore there was no necessity for the Amendment. Being one of those who thought the Bill went too far already, he very much objected to make it go further on the reasons assigned by the hon. Member for Devizes.

MR. VANCE said, he did not think the Amendment would make the measure more extensive. As the Bill stood, it would enable persons to take advantage of a very small point of dissent, and in that way would hold out a very objectionable premium to hypocrisy. Another point required remark. A clergyman of the Church of Rome could say he dissented from the doctrines and discipline of the Church of England—the Bill did not require him to say that he dissented from those of the Church of Rome; and in that way he might get into the House of Commons.

MR. E. P. BOUVERIE observed that the very persons who were exempt from the penalties of the law were those clergymen who became Roman Catholic priests. He did not think the Committee ought to object to extend to Protestants those exemptions which were given to Roman Catholics.

MR. HALIBURTON said, he did not agree with the right hon. Member for Oxfordshire, that the Bill went too far, or that it did not go far enough; on the contrary, it went about half-way. Judas departed from the church, and the right hon. Member for Kilmarnock wanted to give the clergy the same privilege which Judas exercised. Nobody would object to that if the right hon. Gentleman would also extend another privilege exercised by Judas, that they should all go and hang themselves.

SIR STAFFORD NORTHCOTE said, he thought there was something in the point raised by the hon. Member for Devizes. If the hon. Member was right in thinking that persons would avail themselves of the Bill, on the ground that there were some slight differences, such as those which he (Mr. D. Griffith) had pointed out between them and the Church of England, and not differences of that grave and fundamental character which the Committee had been asked to consider, the Committee ought to try whether they could not prevent such an application of the measure; and if they could not, it would be for them to consider whether they should not reject the Bill altogether. He thought, however,

they should, in the first place, go through the clauses with a view of seeing how the matter really stood; that they ought to revise the work of the Select Committee in the first instance; and he must therefore oppose the Amendment.

Amendment negatived.

Clause agreed to.

Clause 2 was also agreed to.

Clause 3 (Bishops to record Declaration as Sentence of Deprivation and Deposition).

MR. DILLWYN said, that in the absence of his noble Friend (Lord Henley), he rose to move to leave out all the words after the word "Church" to the end of the clause. By the clause as it stood the Bishop would be enabled not only to proceed to sentence of deprivation, but, by the canon law, he would retain the power of passing the penalty of excommunication upon the seceding clergyman.

Amendment proposed, in page 2, line 23, to leave out from the word "Church," to the end of the Clause.

MR. E. P. BOUVERIE said, that the latter portion of the clause was introduced by the Select Committee. As the clause formerly stood, it simply declared that the registry of the declaration was equivalent to a sentence of deposition against the minister. He should have preferred the original proposal, but the matter was fully discussed. The addition to the clause was carried by a majority, and having charge of the Bill, and feeling that no measure embodying extreme opinions would have a chance of passing the other House, his wish was to support the decision of the Select Committee. He felt bound to take that opportunity of acknowledging the great fairness and candour with which the Select Committee had considered the Bill. The grievance created by the clause was a mere featherweight, because pains were taken by the Bill to exempt seceding clergymen from all civil pains and penalties; and if the authorities of the Church thought it their duty to visit him with spiritual censures, they would carry with them no temporal disqualification or disability.

THE SOLICITOR GENERAL said, he did not apprehend that any inconvenience would result from the clause as it stood, and he hoped the decision of the Select Committee would remain undisturbed. The object of the promoters of the Bill was to exempt persons who conscientiously dissented from the Church

from civil disabilities and penalties, and they desired to do that in such manner as not to leave the Bill open to objections in an ecclesiastical point of view as interfering with the discipline or the doctrines of the Church. On that principle it was left to the bishop, in the exercise of his discretion, to do that which the laws of the Church permitted him to do now. By the statute law, excommunication had been practically abolished. It was not at all probable that any bishop would proceed to any such kind of censure; but, if he did, it would be only because the law at present enabled him to do so; and, as no civil consequences were involved, any sentence pronounced by a bishop would amount only to a declaration on the part of the Church of the character of the Act to which he had given legal effect.

LORD JOHN MANNERS said, it was possible that some of the seceding clergymen might desire to remain lay members of the Church of England; and it might happen, that if the bishop exercised his rights under the canon law, these persons might find themselves debarred from remaining members of the Church of England.

MR. E. P. BOUVERIE said, that if he were asked whether such an event was possible, he must answer in the affirmative; but if he were asked whether it was probable, he must doubt whether there would be one such case in a hundred years. He should be sorry to be the bishop to enforce the spiritual powers in question. Those who remembered the case of the Rev. Mr. Shore would agree with him that no prudent bishop was likely again to raise such a storm.

MR. BAINES said, he hoped the Amendment of the hon. Member for Swansea would be acceded to in a willing spirit, for the concession asked for was a very small one. The Committee in recognising the rights of conscience ought to do so in a gracious manner.

SIR WILLIAM HEATHCOTE said, that the only principle involved in the addition to the clause as it stood was that those who sought to relieve persons who dissented from the Church of England were not to go out of their way to infringe and insult the ecclesiastical law of the Church which those persons had left.

MR. SERJEANT PIGOTT said, that he could not see the value of the addition made to the clause in the Select Committee. It was like saying, "We will

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allow you to withdraw; but we will drum you out." The power was one a bishop would seldom use, and as it might embarrass bishops, it would be better to disembarass the Bill.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided:—Ayes 173; Noes 75: Majority 98.

Clause agreed to.

Clauses 4 and 5 were also agreed to.

Clause 6 (Office or Place to be *ipso facto* vacant after Entry in the Registry of the Bishop).

MR. DILLWYN said, it was no doubt proper that a minister on wishing to leave the Church should be required to vacate any office which he might have held as such; but he held it was neither right nor fair that a person who, having become a clergyman of the Church of England, afterwards thought fit to leave its ministry, should be required to vacate any office which he might have previously held as a member of that Church. Take the case of a member of the Established Church who was a trustee of a school. He becomes a minister of the Established Church, he afterwards desires to retire from its ministry, and was he to be required to vacate his office of trustee to that school? If a clergyman differed from certain doctrines of the Church, he should not necessarily be declared to be no longer a member of the Establishment. He therefore would move the omission of the words "or member" from the clause.

Amendment proposed, in page 3, line 18, to leave out the words "or member."

MR. COLLINS said, he should oppose the Amendment. It was not right that persons who had made a declaration of their conscientious dissent from the doctrines of the Church of England should continue to be trustees of Church of England schools. The Amendment was an attempt to introduce by a side wind a most obnoxious principle.

SIR JOHN TRELAWNY said, he would remind the hon. Member for Knaresborough (Mr. Collins) that the enactment was penal in its character.

MR. E. P. BOUVERIE said, his hon. Friend had brought the same question before the Select Committee, and was seeking to reverse the decision at which that Committee had arrived. The difficulty in the present case arose from an ambiguity

in the words "member of the said United Church." In one sense Dissenters were held to be members of the United Church, inasmuch as they were subject to the imposition of church rates, and had a right to be buried in the parish churchyard; but in another sense, the sense of the Bill, Dissenters could not be held to be members of the Church. Taking the case of fellowships in colleges, for instance—though he was anxious to see those restrictions removed—yet there was no doubt that in many colleges membership of the Church of England was an essential condition to the holding of a fellowship. But his hon. Friend would hardly think it reasonable that a man who had left the Established Church should continue a fellow of one of those colleges. Again, taking the case of the Ecclesiastical Commissioners; they had to make a declaration that they were members of the Church of England; but, according to the principle involved in the Amendment, if his hon. Friend (Mr. Deedes) or himself, who were Commissioners, seceded from the Church, they might still continue to administer its revenues. He could not think that the Select Committee had come to an unreasonable decision.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided:—Ayes 203; Noses 24: Majority 179.

MR. AYRTON said, he wished to ask if provision were made in the Bill to preserve the rights of patrons. If they did not present within six months after a vacancy, the right of presentation lapsed; and if provision were not made for giving them ample notice, their rights might be affected.

THE SOLICITOR GENERAL said, the resignation would be to the bishop. It would be a public act, and public notice would necessarily be given. There were the same safeguards as then existed in the case of resignations.

*Clause agreed to.*

Clause 7 (Clerical Rights and Obligations of Person declaring to determine).

MR. DILLWYN said, he objected to the proviso at the end of the clause, which provided that nothing contained in the Bill should enable a clergyman, who had ceased to be a member of the Established Church, to sit in the House of

Commons. It was another of the penalties which were imposed upon clergymen who resigned their livings. He thought it was not for the House to say who should or should not be Members of the House, but for the constituencies to say who should be their representatives.

#### Amendment proposed,

In page 8, line 81, to leave out the words "Provided always, That nothing herein contained shall qualify any such person to sit in the House of Commons."

MR. E. P. BOUVERIE said, he must again appeal to the Committee to support the decision of the Select Committee. That decision was not in accordance with his own opinion; but, the subject having been very fully discussed by the Committee, he felt bound to say that there was a larger majority in favour of the proviso than upon any other division. He had been very much surprised at the strong feeling upon the subject which was manifested by hon. Members on both sides of the House. What influenced them was the argument that persons who seceded ought not to be placed in a better position than those who continued clergymen of the Church of England. By law all ordained clergymen of the Church of England were excluded from seats in that House, whether they had benefices or not; but if those who seceded were to be admitted to the privilege of sitting in the House, they would certainly be placed in a better position than those who had not seceded. He was bound to say also that there was not any great willingness on the part of the Select Committee to admit within the House gentlemen who in their capacity of ministers of religion might have had an opportunity of acquiring great influence over the minds of those with whom they had been brought into contact. Although those arguments would not in the abstract have prevailed with him, yet he felt bound to yield on the point, because he believed that the opinion of the House was in favour of the decision of the Committee, and because, having received the consent of the House to the principle of a measure so difficult and delicate in itself, he believed he should be wanting in his duty if he did not yield his opinion.

MR. COLLINS said, he thought it a mistake that clergymen, whether of the Church of England or the Church of Rome, should be excluded from the House; but, as he could not consent to put those

who had seceded from the Established Church in a better position than those who remained in it, he should vote for expunging the proviso.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided:—Ayes 166; Noes 67: Majority 99.

*Clause agreed to.*

MR. LYGON said, he thought it would be unwise, if any persons who had been led to make the declaration under the Bill should afterwards see the errors of their ways, to forbid them the opportunity of returning to their position in the Church of England. With that view, he would propose the following new clause:—

"When any priest or deacon whose declaration of conscientious dissent shall have been registered by the bishop as hereinbefore provided, shall apply to the bishop of the diocese for restoration to his ecclesiastical functions, the bishop may, after due examination of the applicant, issue a licence under his episcopal seal to revoke the declaration recorded in his registry, either immediately or after any period of probation he may think fit; and cancel the sentence pronounced against the applicant; and the applicant shall thenceforth be discharged from all incapacity under this Act to execute his ecclesiastical functions, shall cease to be entitled to the benefit of this Act, and at the expiration of twelve calendar months after the date of the episcopal licence may be presented to any ecclesiastical preferment."

MR. E. P. BOUVERIE said, that the proposal had already been submitted to the Select Committee, who discussed and rejected it. He did not think it was a reasonable demand that a person, after deliberately declaring his conscientious dissent to the doctrines of the Church of England, should be allowed, on changing his mind again, to go back to the Church and resume his original position.

MR. HUBBARD said, he thought there would be no inconsistency in disagreeing with the Select Committee on the subject under consideration. He knew of a case in which within the last few weeks a clergyman had, unfortunately for himself, left the Church, and when he had had time for reflection he desired to return to it, and the bishop re-admitted him. By the Bill, however, unless this clause were inserted, if a clergyman left the Church he could not be re-admitted. It seemed to him that they ought not to shut the door. The whole object of the Bill was declared to be one of mercy, and the Committee should consider the merciful side of the proposal.

*Mr. Collins*

MR. DILLWYN said, he objected to the proposition. He had no indisposition to see clergymen who might leave the Church of England go back to it again and resume their functions as clergymen; but in such case they should be made ministers of the Church in the ordinary way in which men were made clergymen. The Committee ought not to be merciful to clergymen at the expense of parishioners.

LORD HENLEY said, he should also oppose the clause, which, if passed, would cause the House to appear as holding certain doctrines on the question of the indelibility of priests' orders. The theory of once a priest always a priest, was only known in the Church of Rome, and was not recognised in the Eastern Churches. In Stanley's Eastern Church, it was stated that a man might lay down his orders and leave the Church when he would.

SIR WILLIAM HEATHCOTE maintained that the clause only assumed that which was well known, namely, that in the eyes of the Church of England these orders were indelible. The observations of the hon. Member for Swansea, to the effect that a seceding clergyman, if he desired to return to his position in the Church, should go to the bishop and be ordained again might well induce persons to doubt the propriety of passing the Bill, unless guarded by such a clause as that proposed. Nevertheless, as the point was considered in the Select Committee, he advised the hon. Member (Mr. Lygon) not to raise the question again, but to let the Bill go as it was to the House of Lords with the incubus upon it of speeches which showed that some Members voted for the measure in opposition to the doctrine of the Church of England in reference to orders. Under the circumstances the Bill was not so likely to pass into a law as it otherwise might have been.

MR. LONGFIELD said, that as a Member of the Select Committee on the Bill, he had heard with reluctance the discussion of the theory of indelibility of Church orders. But he could never consent to a clergyman wavering between two churches, merely lest a dogma of that kind should be in danger. The whole discussion was of the same nature as if a question were started whether twelve angels instead of ten could stand upon a point *in vacuo*.

MR. NEWDEGATE said, there was no special Roman Catholic doctrine as to the indelibility of orders. It was a doc-

trine of the whole Church, in which he was not ashamed to profess his belief. He was convinced that the tendency of the Bill was to bring that doctrine into disrepute ; and that the tendency of the clause was to make it absolutely ridiculous.

LORD JOHN MANNERS said, he could not but express his regret that religious topics had been introduced into the discussion on the Bill. He would strongly recommend his hon. Friend not to persevere with his clause.

MR. LYGON said, he thought that matters of such consequence should not be withdrawn from the consideration of the House, and referred to a Select Committee. The arguments against the clause told against the Bill itself. Talk of the indelibility of orders being absurd. Why, it was much more absurd to make such a declaration as that required by the Bill indelible. However, after the discussion which had taken place, and after the advice given to him by the hon. Member for the University of Oxford and the noble Lord (Lord J. Manners), he should withdraw the clause.

*Clause, by leave, withdrawn.*

*Preamble agreed to.*

*House resumed.*

*Bill reported, without Amendment ; to be read 3<sup>o</sup> To-morrow.*

#### CHURCH RATES VOLUNTARY COMMUTATION BILL—[BILL NO. 16.]

##### SECOND READING.

*Order for Second Reading read.*

MR. ALCOCK said, he rose to ask the House to consent to the second reading of the Bill. He had placed a notice of it on the paper for the past five or six years in succession; but he had taken no further steps, owing to the hon. Member for Tavistock (Sir John Trelawny) having a more important Bill on the same subject before the House. In the absence of such, however, at that time, he ventured to ask the House to give his Bill a second reading. It contained no compromise at all, no concession being made either to the Church or to Dissent. The object of the Bill simply was to afford facilities for raising by voluntary means permanent funds, so as to render parishes independent of any compulsory church rates. Such an object must be effected through the means of Commissioners, and he had selected the Charity Commissioners for the purpose. He felt confident that the

Bill he now proposed, if passed by Parliament, would not become a dead letter ; and before the following Session he should be in a position to mention several parishes which had acted on it.

Motion made and Question proposed, "That the Bill be now read a second time."

MR. EVANS said, he would second the Motion. He believed, that if means were provided to parishes to commute their church rates, they would be taken advantage of, and in the end the present difficulties in regard to church rates would be avoided.

MR. NEWDEGATE said, he wished he could induce the hon. Member for Surrey to join him in referring this Bill to a Select Committee. He (Mr. Newdegate), as well as the hon. Member for Surrey, sought to effect a commutation of church rates. He had a Bill before the House on that subject, but in deference to his right hon. Friend the Member for Wiltshire (Mr. S. Estcourt), he had postponed pressing it forward. He was convinced that the Bill of the hon. Member for Surrey did not provide the requisite machinery to effect its object. The result of passing such a measure would be to empower the Charity Commissioners to act as bankers in the matter ; but the Bill took no means to provide any funds whereby its principle was to be carried out. The existing law was contradictory ; and the question must be settled by a measure worthy of that House. He did not believe that Parliament would intrust any Commission with the power of going down to every parish to promote agitation, in the hope of obtaining money by creating annoyance ; yet such, he feared, would be the effect of the scheme proposed by the Bill, if adopted.

SIR GEORGE GREY said, he had no objection to the principle of the Bill, so far as it enabled parishes to effect voluntary commutation of church rates ; but the measure provided no substitute whatever. If it were understood that the Bill would undergo thorough revision in Committee, he should not oppose the second reading of the measure.

MR. PACKE said, he thought the measure would prove so utterly inoperative that it would be a waste of time to discuss it in its then shape. He would therefore move that the Bill be read a second time that day six months.

MR. SOTHERON ESTCOURT said, he quite concurred in the objections of the right hon. Baronet opposite to the defective machinery of the Bill, and he hardly knew how the House could affirm its principle under such circumstances. He had a Resolution on the subject which he proposed to move on Tuesday. If the House should affirm that Resolution, the ground would be cleared for the hon. Gentleman's Bill or the Bill of any other hon. Member on the subject.

COLONEL WILSON PATTEN said, he would suggest an adjournment of the debate to that day week.

MR. ALCOCK said, he would consent to that course.

*Debate adjourned till Wednesday next.*

BALLOT AT MUNICIPAL ELECTIONS

BILL—[Bill No. 141.]

SECOND READING.

Order for Second Reading read.

MR. AUGUSTUS SMITH said, he would move the second reading of the Bill. He proposed to take the discussion on going into Committee.

Motion made and Question proposed, "That the Bill be now read a second time."

MR. HOPWOOD said, he would move that the Bill be read a second time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 45; Noes 83: Majority 38.

Words added.

Main Question, as amended, put, and agreed to.

Bill put off for three months.

House adjourned at a Quarter before Six o'clock.

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H O U S E O F L O R D S ,

Thursday, June 19, 1862.

MINUTES.]—PUBLIC BILLS.—2<sup>a</sup> Public Works and Harbours Act Amendment; Highways.

Mr. Packe

MEXICO—THE ALLIED FORCES.

STATEMENT.

EARL RUSSELL, on presenting a Petition, said: I beg to take this opportunity of making a statement to your Lordships as to matters of considerable importance upon which it is desirable no misapprehension should exist. It has been stated in the public prints that a Convention has been entered into by Sir Charles Wyke and Commodore Dunlop on one side, and the Mexican Government on the other, by which the British claims on Mexico will be satisfied, and that the Convention has been ratified by Her Majesty's Government. The first part of that statement is certainly correct. A Convention has been signed by Sir Charles Wyke and Commodore Dunlop, and it has been sent home for ratification. The arrangement contemplated for the satisfaction of British claims was fair and liberal; but we found that the Convention referred to another Convention between Mexico and the United States, by which the former gave security on its lands for the repayment of a loan to be advanced by the latter; and finding that this might give occasion to considerable difficulties, Her Majesty's Government determined not to ratify the Convention. There is another point upon which I wish to make a statement to the House. It is generally believed in France, and much circulated here, that Her Majesty's troops, together with the Spanish troops, were withdrawn from Mexico, leaving the French troops alone to contend with the difficulties of the situation. Now, after the temporary check which the French received, no one can be surprised that the French Government have resolved to send large reinforcements to Mexico; but it is not fair or just to ascribe that movement to any course taken by the British Government. In the original Convention of October last there was no specific engagement as to the number of troops to be sent by the different Governments that were parties to it, but communications were made separately by each Government. The Spaniards declared that they meant to send 6,000 or 7,000 troops. The French Government said at first that they would send 2,000, which was afterwards increased to 2,500 men. The British Government proposed to send a squadron with 700 Marines, to be landed, if necessary, for the occupation of forts, it being the opinion of the Admiralty that the operation

of marching troops through Mexico would probably be attended with great loss of life. The Marines were landed, and for a short time occupied some forts. It seemed that the land forces met with difficulties, and Commodore Dunlop, in order not to have the appearance in any way of leaving the allies in the lurch, said he would provide, by his own activity and resources, camp equipage and conveyance. That, however, was not approved by the Home Government, and orders were sent out that the Marines should be re-embarked. Commodore Dunlop, on his side, very soon found that there was no immediate danger of collision with the Mexicans, and he determined to send away the Marines, who were never intended to march up the country. They were accordingly removed from Vera Cruz. After this came the Convention, and the allied Commissioners agreed to a *procès verbal*, with regard to which I will now say nothing, as I do not wish to enter into the great question involved in it. But it should be known that at that time there were only 150 Marines in occupation of the various forts; and when the rupture took place between the French Commissioners on the one side, and the English and Spanish Commissioners on the other, it was determined by Commodore Dunlop to haul down the British flag in the ports of Mexico, and to withdraw this small force. There was thus no question of withdrawing troops from Mexico, for there never were any land troops there; the only force we ever sent in the naval squadron was a force of 700 Marines, the greater number of whom had been withdrawn some time previously. I thought it necessary to make this statement, as I believe that great misapprehension has arisen on the subject. I am informed that considerable indignation has been expressed in France as to the presumed withdrawal of troops by this country at a very critical moment. That supposition, as I have shown, has no foundation in fact, as there were no British troops to be withdrawn from Mexico.

THE EARL OF MALMESBURY said, he was extremely glad that the noble Earl had taken the initiative in this matter, and had given so satisfactory an explanation upon the subject, which had certainly occasioned considerable anxiety both in France and in this country, and an impression that something like an unfriendly feeling had been manifested by England towards France. He (the Earl of Malmes-

bury) had therefore intended to give notice to the noble Earl of his intention to ask him a question on this subject on to-morrow or Monday. In respect to the first part of the noble Earl's explanation, he must say he entirely agreed with the noble Earl as to the modification of the Convention which he proposed. He thought that the noble Earl had made a prudent arrangement, and that the danger which he anticipated would have very likely occurred if he had not provided against it. But he (the Earl of Malmesbury) did not think the noble Earl spoke strongly enough as to the indignation felt in France as to the supposed desertion of their allies by the British army. It was not only a common rumour—it was not only a national misunderstanding; for if the noble Earl would read the Address sent to the French Chambers by the French Government, he would see that that feeling was likely to be prolonged. He read that Address this morning; but as he had come down to the House only for the purpose of giving notice of his intention to ask a question in respect to it, he was not prepared to give the exact words. But, undoubtedly, the meaning of it was, that there had been some common understanding between the two Powers with respect to a military advance into Mexico, and that the British Government had not carried out their part of the agreement, but, on the contrary, at a most critical moment had deserted the French troops and left them exposed to serious dangers, which with the assistance of the British troops they would have been able to overcome. He thought it most important, as regarded the honour of this country, that the true facts of the case should be made known to the French people as speedily as possible. He was very glad that the attention of the noble Earl had been drawn to this subject, and he trusted the noble Earl would point out the real facts to the French Government, which he believed to be of precisely the character stated by the noble Earl, as soon as possible. He did not think that the noble Earl had used language strong enough in regard to this misapprehension of the public press and the French public on this subject, seeing that that misapprehension must have been very much strengthened by the language of the French Government.

THE EARL OF CARNARVON wished to ask a question of the noble Earl with

respect to this matter. By the last Mexican papers issued by Her Majesty's Government it appeared that Sir Charles Wyke and Commodore Dunlop had left Mexico and had gone to New York. Now, it appeared that the Convention signed by those two gentlemen was signed subsequent to that time. He wanted to know whether they had acted with the sanction of Her Majesty's Government in going to New York, and whether the noble Earl had any objection to lay the papers upon the table in reference to this point?

EARL RUSSELL said, that Commodore Dunlop and Sir Charles Wyke never went to New York. Sir Charles Wyke wrote home to say that it was his intention to go there, but he never executed that intention. He was now living at Mexico, but not in an official character, and he had informed the Mexican Government that he would not resume that character until the Convention had been ratified by his Government. The Spanish Secretary of Legation was also, he believed, living there in an unofficial capacity. With regard to the Address of the French Government to the Chamber, it certainly contained a statement liable to misapprehension. But the papers which had been laid before Parliament, and those which were about to be produced, were likely to remove that misapprehension. He intended to write a despatch to the French Government upon the subject, which would, he hoped, tend to the same result.

THE EARL OF MALMESBURY said, there was one more point which he thought it important to notice. According to the public prints there appeared to be a feeling in Mexico that Sir Charles Wyke had taken a strong part with the Mexican Government as against the proceedings of the French. He did not believe that report at first, but it was said that Sir Charles Wyke had attended the theatre in public on an occasion when money was being raised for the Mexican wounded, and had thus identified himself with that party. Now, although the performances at the theatre might have been for a charitable object, it did not appear to him that it was a proper act of Sir Charles Wyke to appear publicly at the theatre on such an occasion. He (the Earl of Malmesbury) was sure that in this country there was no feeling whatever against the French in regard to their proceedings in Mexico. His own feeling was that they had made a great mistake in policy and were paying

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dearly for it. But he must say that the state of Mexico was such that any change of government must be an improvement, and the people of Mexico and the world generally were likely to profit by the acts of the French, however opposed those acts might be to the interests of France.

EARL RUSSELL said, that Her Majesty's Government had no information that Sir Charles Wyke had acted in the manner stated. He knew that such a report had reached Paris, but Sir Charles Wyke's letters, dated May 12, contained nothing on the subject. If Sir Charles Wyke had appeared publicly at the theatre on that occasion, he quite agreed with the noble Earl opposite, that it was a very injudicious act on his part.

#### UNITED STATES—CASE OF “THE EMILY ST. PIERRE.” CORRESPONDENCE.

LORD BROUHAM, on behalf of his noble and learned Friend (Lord Lyndhurst), whose health, as their Lordships would be glad to hear, had greatly improved of late, moved for the correspondence which had taken place respecting the capture of the *Emily St. Pierre* by the Americans, and her recapture from the prize crew. He understood that there had been some correspondence upon this subject, and he wished to know from the noble Earl whether there would be any objection to produce it?

EARL RUSSELL: I have no objection to lay the papers before the House, as the Correspondence is now closed, and Lord Lyons, in his last letter, promised to send it home immediately. The opinion of the Law Officers was taken upon this question, and they stated that there was no power in this country to surrender the vessel, or to give it up to the United States Government. It was said by them, and was at that time supposed to be the case, that there was no precedent on the case; but I have been informed this morning that there is a precedent, singularly enough, when the British Government demanded from the American Government the surrender of a vessel which had been recaptured by the crew after being seized as a prize. Mr. Adams, the grandfather of the present American Minister in this country—and he must say that the diplomatic agent who bore his name was a most worthy descendant of that distinguished statesman—was then President of the

United States, and he replied that there was no precedent for such a demand. The result was the British Government failed to obtain the redress they sought from the American Government.

HIGHWAYS BILL—[BILL NO. 93.]

SECOND READING.

Order of the day for the Second Reading read.

LORD STANLEY OF ALDERLEY, in moving the second reading of this Bill, said, he believed it was now thirty-one years since a noble Friend of his, now present, proposed a Bill in the other House of Parliament to amend the law relating to highways. Since that time there had been frequent attempts to legislate on the subject, and a Bill had at length successfully passed the other House of Parliament, and was now brought up to their Lordships' House in a shape which he trusted would secure their approbation. It had been carefully investigated by a Select Committee of the House of Commons. It was very desirable to establish some system by which they could secure the formation and maintenance of good roads throughout the country. The principle of this Bill had already been adopted with great success in South Wales, where the roads had been considerably improved and the expense had not been increased. The mode of procedure proposed to be enacted under this Bill was, that any five justices of the county might present a requisition to the Court of Quarter Sessions, and the court might make an order requiring that the whole county; or any part of the county, might be formed into districts. That provisional order had to be confirmed at another Court of Quarter Sessions, and the additional confirmation of the Secretary of State was then required. Power was given to appoint a paid surveyor and a paid treasurer, and each parish was to appoint a waywarden, in the same way that the surveyors of highways were appointed now. He would not go further into the details of the measure, which could be more appropriately considered in Committee; but he trusted that on the present occasion he should receive the assent of their Lordships to the second reading of the Bill.

Moved, That the Bill be now read 2<sup>o</sup>.

THE MARQUESS OF SALISBURY objected to the Bill, on the ground that it took the power of taxation out of the

hands of parishes, and transferred it to an irresponsible body. He thought it would be best that the Bill should be sent by their Lordships to a Select Committee.

LORD PORTMAN said, that great efforts, in which a noble Duke opposite and himself had borne a part, had been made in former years in the other House of Parliament to pass some such measure as the present, which was urgently needed. The Bill was little more than an enlargement of some clauses which were now the law; but the area of management was not sufficiently large. It was extremely desirable that this measure, which had come down from the House of Commons, should be considered and amended by their Lordships, if it required amendment, and he hoped that it would become law this Session. To refer it to a Select Committee would not be a convenient mode of discussing it. Two or three of the clauses demanded careful consideration, which could be bestowed upon them in a Committee of the Whole House. On the whole, the Bill would, he believed, tend to give the country better roads than it had at present, and at a much less cost.

THE DUKES OF RICHMOND agreed very much in what had fallen from the noble Lord who spoke last as to the necessity of passing some such measure as this, and could corroborate from his personal knowledge the statement that its subject had received a considerable degree of attention from the other House of Parliament. Concurring in the principles of the Bill, he thought that all the Amendments necessary to make it a good and useful measure could be made in Committee of the Whole House.

LORD LYVEDEN was glad to see a Highway Bill that had some chance of passing, because it had also been his lot, in common with many others, to labour in this cause without success in the House of Commons. He believed that no Bill would be effectual that was not compulsory; but he was willing to see this measure adopted, because it would extend the area of management and give them surveyor with larger districts under their charge. Improvement in this respect was urgently called for in his own county, which paid £37,000 for the repairs of its highways, and yet the greater part of them were impassable in the winter.

THE EARL OF CARNARVON said, he thought this essentially a Bill of detail, which could be more conveniently dealt

with in Committee than on the second reading. He perfectly agreed in its general principle, but there were one or two points which deserved consideration at the present stage. The mode in which it was proposed that the parishes should contribute to the common highway fund, was in some respects very objectionable. The average expenditure incurred by each parish during the three preceding years was the basis on which its contribution was to be computed. That rule would operate most unfairly towards those parishes which had made a large outlay upon the improvement of their roads, while it would let those parishes which had neglected their duty go almost scot-free. The second point to which he wished to advert related to the power which the Bill would give the Secretary of State over the order of the Court of Quarter Sessions in respect to the new highway districts. This he thought interfered too much with the local management. The order must be submitted to the Secretary of State before it was binding; but what could the Secretary of State know of the necessities of the various localities? Such an interference was not only unnecessary, but would be mischievous, inasmuch as it relieved the justices of a responsibility which fairly belonged to them. At the same time, he must say, there could be but one wish on the part of their Lordships—to make the measure as practicable as possible.

THE MARQUESS OF BATH thought the present law quite sufficient for all practical purposes. The remedies when a road got out of repair were ample; but the fact was that persons refrained from indicting bad roads because of the odium they would be certain to incur. All that was really necessary to accomplish all they desired was that some officer should be appointed to go over the country, and where the roads were found out of repair to indict the parties liable. The Bill would only entail unnecessary expense, supersede local authority, and increase the influence of the Secretary of State's office.

LORD LYTELTON maintained that a measure of this kind ought to be compulsory.

LORD REDESDALE considered the measure entirely experimental, and no doubt before it was long in operation it would require Amendments in a variety of particulars. He supported the Bill.

LORD STANLEY OR ALDERLEY said,

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he was glad to observe the general disposition of their Lordships in favour of the principle of the Bill. He should be happy to consider any suggestions that might be made to simplify or improve its machinery.

Motion *agreed to*.

Bill read 2<sup>d</sup> accordingly, and committed to a Committee of the Whole House on Monday, the 30th instant.

#### RED SEA AND INDIA TELEGRAPH BILL.

[BILL NO. 70.]

ORDER FOR THIRD READING DISCHARGED.  
BILL RE-COMMITTED.

On Order of the Day for the Third Reading.

THE DUKE OF ARGYLL said, it had been objected on a previous occasion that the Bill gave the sanction of Parliament not merely to the old, but also to the new Company; and with the view of meeting this objection he now proposed to omit the three first lines of the 1st clause, which confirmed the arrangement between the two Companies, and to insert a recital of the arrangement which would be set out in the schedule, and which was embodied in the Treasury Minute. The effect would be to give the sanction of Parliament to that part of the agreement between the two Companies which required such sanction, and the transfer of the property and the conversion of the money payment given by the statute.

THE EARL OF CAMPERDOWN was anxious that the new agreement should be produced. It might be the best or worst agreement in the world, but which he could not tell until he had the opportunity of seeing it.

LORD REDESDALE defied anybody to see how the matter stood by looking at the Correspondence; and he complained of the loose way of transacting business of this kind by Treasury Minute which referred to Correspondence as embodying the agreement. The more business-like way would be to have a regular formal agreement prepared, though he could understand that Companies preferred having informal arrangements, because they knew that the result was that it would tend to their interest and against that of the public. Another circumstance was that probably the parties interested would not be satisfied with the alteration now proposed. His own opinion was that the Bill should be recommitted in order to introduce the Amendment, because the effect of this

would be to give the parties interested an opportunity of seeing the precise shape in which the Bill would pass.

LORD WODEHOUSE joined in requesting their Lordships not to read the Bill a third time until they had seen the agreement set out in a clear and intelligible form.

THE DUKES OF ARGYLL said, it was only intended to give the sanction of Parliament to that part of the agreement which required its sanction. It was supposed that expressions were used in the preamble and clauses which left it ambiguous, and he proposed to strike out the words to which exception had been taken. The Bill had passed through the Commons without objection, and it threw no additional burden upon the public funds.

LORD LYVEDEN agreed in the objection that had been taken as to the difficulty of ascertaining what the agreement really was. He objected to indirect allusions to engagements entered into by the Crown. They ought to be clearly and intelligibly stated. Private companies were fond of loose agreements; and if difficulty occurred, the Crown was called upon as a point of honour to make good every expectation.

EARL GREY trusted the noble Duke would adopt the suggestion of the Chairman of Committees, and recommit the Bill. The Committee might be adjourned for a few days, and the Government would then have time to look into the matter.

THE DUKE OF ARGYLL thought there was no necessity for this; but still, if noble Lords were of a contrary opinion, he had no objection to postpone the Bill again.

THE LORD CHANCELLOR recommended their Lordships to accede to the suggestion that the Bill be recommitted, in order that they might have full information upon the subject, and be enabled to agree upon such amendments as would prevent the necessity of the Bill being rejected by the House of Commons.

THE EARL OF CAMPERDOWN said, the jealousy he felt was that the Treasury, or any public Department, should have the power to make agreements involving a large expenditure of public money without bringing them before Parliament. The province and duty of the House of Commons he had always understood to be to inquire into such questions as these.

THE EARL OF DONOUGHMORE asked whether the Government were in a position to oblige the contractors to fulfil the clause of their agreement, which made them re-

sponsible if the telegraph was not in working order? He believed that such a clause was in the contract embodied in the Treasury Minute, and he would therefore ask the noble Duke to lay that document on the table.

THE DUKE OF ARGYLL said, the original agreement, signed by Lord Derby and Mr. Disraeli, was already printed in *extenso* in an Act of Parliament. The present arrangement was simply with a view to make the best of a bad bargain; for, so carelessly was the first agreement drawn up that there was no doubt that the Government had bound themselves to pay £36,000 a year, whether the telegraph was laid down successfully or not. There was not the slightest wish on his part to conceal any documents which bore directly or indirectly upon the subject; and, in conformity with what appeared to be the wish of the House, he would consent that the Bill should be now recommitted with a view to its being reprinted with the amendments he had suggested.

Order of the Day for the Third Reading read, and *discharged*; and Bill *re-committed* to a Committee of the Whole House.

House in Committee; Amendments made: The Report thereof to be received on Monday the 27th instant; and to be printed as amended [No. 109].

House adjourned at a quarter past Seven o'clock, to Monday next, half-past Eleven o'clock.

#### HOUSE OF COMMONS, Thursday, June 19, 1862.

MINUTES.]—PUBLIC BILLS.—1<sup>o</sup> Chancery Regulation (Ireland); Sale of Beer, &c.; African Slave Trade Treaty.  
2<sup>o</sup> Portdown Fair Discontinuance.  
3<sup>o</sup> Artillery Ranges.

#### EMPLOYMENT OF NAVAL OFFICERS IN CHINA.—QUESTION.

THE DUKE OF ARGYLL said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether it is true that the services of Captain Sherrard Osborne, or of any other Officer of Her Majesty's Navy, are to be placed at the disposal of the Chinese Government; whether such Officer will be paid by the Chinese Government, and whether he will, at the same time, retain his commission and continue to receive pay as an Officer in

Her Majesty's Navy; and whether one or more Gunboats are to be lent to the Chinese Government for any purpose they may think proper?

MR. LAYARD said, that application had been made, on behalf of the Chinese Government, for the services of Captain Sherrard Osborne and other officers. The subject was under the consideration of the Government, but he was not aware that any decision had yet been come to upon it. He did not know that any gunboat had been lent to the Chinese Government?

MR. BRIGHT: By whom was the application made, and when?

MR. LAYARD: By the agents of the Chinese Government in this country.

#### THE ARMY IN CANADA.—QUESTION.

COLONEL W. STUART said, he would beg to ask the Secretary of State for War, Whether a free passage will be granted to the wives and families of officers who were sent out to Canada during the past winter, or any other allowance be made to enable them to join their husbands in Canada?

SIR GEORGE LEWIS said, that arrangements were at present in progress for sending out the wives and families of soldiers who had been sent out to Canada, and accommodation would be provided in the same ship for the wives of officers.

#### THE NEW REGIMENTS.—QUESTION.

SIR ANDREW AGNEW said, he wished to ask the Secretary of State for War, Why the Officers of the 19th, 20th, and 21st Hussars, and of the regiments of Infantry from the 101st to the 108th inclusive, are not gazetted; it being understood that all these regiments are embodied, and that the officers of most of them have been appointed and have performed their regimental duties for a considerable time?

SIR GEORGE LEWIS said, that the Indian Government were organizing these regiments, but the officers could not be gazetted until the rolls were received in this country.

#### FORTIFICATIONS.—QUESTION.

SIR HENRY WILLOUGHBY said, he wished to ask the Secretary of State for War, What amount of public charge is created by Contract at the fifty-five places stated in Parliamentary Paper No. 267 of this Session, where Contracts on account of Fortifications have been made; and

*Lord Robert Montagu*

whether he can place a Document on the table of the House, showing the amount of such charge under Contract at each of the fifty-five places?

SIR GEORGE LEWIS said, if the hon. Baronet would move for a return upon the subject, he should be happy to lay it upon the table.

SIR HENRY WILLOUGHBY said, he wished to ask if the right hon. Baronet will state the gross amount?

SIR GEORGE LEWIS: What the hon. Baronet asked for is the details, and it would be more convenient and satisfactory to the House to lay these details on the table in writing. I can give the gross amount at any time that it may be convenient to the hon. Baronet.

#### BARRACK-MASTERS' ALLOWANCES.

##### QUESTION.

COLONEL FRENCH said, he rose to ask the Secretary of State for War, Whether, in the Revised Warrant for Barrack Masters now under consideration, the officers, whose ages vary from sixty-five to eighty, and who may under its provisions be expected to retire, will be included in the improved retiring regulations?

SIR GEORGE LEWIS said, the subject was under the consideration of a Committee who had not yet made their Report, and he was therefore not able to say what the recommendations would be, but he understood their attention had been directed to the subject to which the question of the hon. and gallant Member referred.

#### THE JAPANESE TREATY.—QUESTION.

MR. WHITE said, that as the Japanese Ambassadors had left this country, he now wished to ask the Under Secretary of State for Foreign Affairs, Whether the Ports of Japan will be open to British commerce in conformity with the Treaty with the Japanese, or whether the opening is to be postponed; and if so, if he will tell the House why?

MR. LAYARD said, Her Majesty's Government had consented to defer for a period of five years, to commence from the 1st of January, 1863, the fulfilment of those portions of the 3rd article of the treaty between Great Britain and Japan, of the 26th August, 1858, which provided for the opening to British subjects of the ports of Neagata and Hiogo, and for the residence of British subjects in Yedo and Osaca. The other obligations of the Treaty

would be fully enforced ; but the 3rd article not until five years after January, 1863. [Mr. WHITE : Why ?] Perhaps his hon. Friend would wait until communications had been made to the Japanese Government, when the reasons would be stated.

**MERCHANT SHIPPING ACTS, &c.  
AMENDMENT BILL.**

[BILL NO. 136.] CONSIDERATION.

Order for Consideration read.

MR. LINDSAY said, that as a whole he was well satisfied with the Bill, and he wished to thank his right hon. Friend for having introduced the measure, as he believed it would be of great service to the shipping interest. At the same time, he regretted that his right hon. Friend had not dealt with the question of compulsory pilotage. He regretted that it had not been swept away in every port in the United Kingdom. The Committee upon this subject had reported that wherever a system of voluntary pilotage prevailed there was an abundant supply of pilots. Take the cases of Cork and Falmouth. He believed that about the same number of vessels which called at Falmouth called at Cork. At the former the system of pilotage was compulsory, and there were only thirty-six pilots ; but at Cork, where it is perfectly optional with the master of a vessel to take a pilot, there were 303 pilots. He brought forward that statement in answer to the argument that any great change in the existing state of things would have the effect of reducing the number of pilots and jeopardizing life and property. At Sunderland the system of pilotage was voluntary, and they had no lack of pilots. They were to be found in all weathers on the look-out for ships, and they might frequently be seen as far down as Flamborough Head. But at Falmouth the pilots did not trouble themselves about going any distance to look out for ships, because they knew they would be paid whether their services were brought into requisition or not. He would therefore move the insertion of the following clause—

"That the masters and owners of all ships, or of any classes of ships, shall not be obliged to employ pilots in any pilotage district, or shall not be obliged to pay for pilots when not employing them in any district, or in any part of any pilotage district."

Clause brought up, and read 1<sup>o</sup>.

Motion made, and Question proposed, "That the said Clause be now read a second time."

MR. BENTINCK said, he perfectly agreed with his hon. Friend in the opinion that the Bill was a good Bill, but that it did not go far enough. Still, he did not think it was expedient to press the Amendment. There was no doubt of the advantages of the voluntary system of pilotage, but it was impossible to make great and precipitate changes without doing mischief. He thought the hon. Member might be satisfied with having persuaded the right hon. Gentleman, the President of the Board of Trade, to introduce the small end of the wedge, and in time the country would come round to the opinion that the voluntary system was the best.

MR. HORSFALL said, he hoped the House would not adopt the clause proposed by his hon. Friend the Member for Sunderland. He would remind them that his hon. Friend had appeared amongst them as the representative of the shipping interest. He brought forward a long list of grievances suffered by that interest, and moved for a Committee to inquire into those grievances. While the Committee obtained by the hon. Member was sitting, no less than nineteen or twenty ship-owners were questioned on the subject of compulsory pilotage, and only four of those were found to support the view of his hon. Friend. Of those four, two were constituents of the hon. Gentleman himself. Not satisfied with that, his hon. Friend brought forward a clause in Committee to do away with compulsory pilotage in every part of Great Britain. When the question of the adoption of that clause was put to the vote, only two Members of the Committee supported the hon. Member for Sunderland. With that decision of the Committee against him, his hon. Friend had now the modesty to come to the House and ask them to adopt his pre-conceived opinions. In the Bill before the House there was ample provision for doing away with compulsory pilotage in cases where it was shown to be objectionable. As regarded the port of Liverpool —where the system was compulsory—it was the only port in the kingdom to which special reference was made in the Report as having the pilotage in a satisfactory state. He trusted the House would reject the clause.

MR. HODGSON said, that the hon. Member for Liverpool (Mr. Horsfall) had not told the House the reasons given by shipowners for their evidence in favour of compulsory pilotage. Mr. Duncan Dunbar

mentioned the case of a ship, the pilotage of which cost him £34, and exonerated him from liability for any damage the ship might do; but if, having no pilot on board, the ship ran down half-a-dozen barges, he might have to pay £3,000 or £4,000 damages. Shipowners, therefore, were content to pay pilotage as an insurance against damages, which they would otherwise be compelled to pay. On the other hand, there was experience to prove that neither the number nor the class of pilots would be deteriorated if Parliament abolished at once the system of compulsory pilotage and adopted a system which, in Shields and other places, had been shown to be effective.

MR. CLAY said, that he would not then pronounce any opinion on the abstract value of the proposal of the hon. Member for Sunderland. His hon. Friend, however, had not told them how existing interests were to be dealt with. His hon. Friend would destroy the whole edifice, and leave the ruin to take care of itself. He hoped the House would refuse its sanction to so great a change proposed to be made in so hasty a manner.

MR. MILNER GIBSON said, that if he had to discuss the abstract merits of the voluntary or of the compulsory system, in that case he should, in all probability, agree with his hon. Friend the Member for Sunderland. But before they introduced a general principle of that sort it was necessary to have regard to the existing circumstances under which they found the pilotage law in operation. The Government had endeavoured to meet as far as possible every complaint, having at the same time due regard to the just claims which had grown up under the present system. One of the complaints which had been made against the compulsory system would be met by a provision in the measure under which a vessel seeking a port for shelter, and not for the purpose of discharging a cargo, would be relieved from the necessity of employing a pilot. There was another provision, under which any person thinking himself aggrieved by the oppressive character of the pilotage system in a particular port, might address a complaint upon the subject to the Board of Trade; and that Board, if it should think proper, might then, for the purpose of removing the evil, issue a provisional order, which would await the future sanction of Parliament. In the Bill powers were also given to the Board of Trade to alter the

pilotage districts, and to establish pilotage authorities wherever they might be found to be needed. Under these circumstances he hoped that the House would not adopt the proposed alteration of the measure; and if his hon. Friend should press his Motion to a division, he should feel it his duty to oppose it, although he thought the principle on which it was founded was a sound one.

MR. LINDSAY said, he would not press the clause.

Motion and Clause, by leave, withdrawn.

MR. AYRTON said, he would then propose the insertion of a clause for the purpose of limiting liability for loss of life or injury. The clause was to the effect, that where the owner of a ship at the time of engagement delivered a written or printed memorandum that he would not be answerable to a greater extent than £150 for loss of life or injury to a passenger, his liability should be limited to that amount. In the Merchant Shipping Act a provision was introduced by which the liability of shipowners in regard to passengers was put, in one respect, on the same principle as in regard to goods — namely, the shipowner was made responsible only to the extent of the value of his ship. The shipowner received one stated and unvarying amount from every passenger of the same class, but no provision was introduced into that Act to relieve him from the difficulty which resulted from the fact that persons might come on board his ship, who might in case of accident set up enormous claims, of which he could have no possible cognizance. The object of the clause he proposed was to limit the responsibility of the shipowner in relation to passengers on precisely the same principle as it was limited in relation to goods. Until Lord Campbell's Act passed, a shipowner was only liable for an injury to a passenger in case the passenger survived, but Lord Campbell's Act provided that the relations of the deceased should also have the right of action. That Act enormously increased the responsibility of shipowners towards their passengers, and had ended in results of a most unjust character. If a gentleman of fortune, possessed of a landed estate, lost his life on board a ship, the son would not be able to bring an action for substantial damages; but if a man of the same station, but possessed of no landed estate, died from a similar cause, his representatives would be entitled to bring an action, though it must certainly

*Mr. Hodgson*

be considered the duty of such a person to insure his life. That was a manifest injustice to all other persons on board the ship, because the value of the ship was a common fund for the purpose of indemnifying the owners of the goods and the passengers against the consequences of that which was a cause of action common to all alike. At present the representatives of one passenger might only claim £150, because the income of the person in question might be small, whilst the representatives of another, who might have paid the same amount for his passage, would be able to bring an action for £10,000. He maintained that, in justice to all the other persons entitled to make a claim, there should be some limit to the claims of a class of persons who might be described as wealthy annuitants going a voyage at the expense of the shipowners. His proposition was, that the shipowner should not by himself be able to limit his responsibility, but that he should give a notice in writing that he would not be responsible for more than a definite sum, and that the passenger or his representative should not claim beyond that amount. In that case it would be optional to the passenger to go or not; but if he went, it would be at his own risk. The clause was framed in strict accordance with the principle laid down thirty years ago, and steadily adhered to in regard to the carriage of goods. He believed that shipowners ought to be liable to the extent of the value of their ships, and not to the extent of their carrying power. The great grievance was, that shipowners were liable without notice to heavy responsibilities, which he thought ought to be provided for. The clause would give satisfaction and peace to the shipowners, while it would do no injury to any person.

*Clause brought up, and read 1<sup>o</sup>.*

MR. MILNER GIBSON said, his hon. and learned Friend proposed to limit very materially the liability of shipowners towards their passengers and the public. The two propositions, with regard to personal injury and loss of life, were separate, and stood upon a different footing. In the case of personal injury there was no necessity for any legislation in order to provide for the object of his hon. Friend; because, as the law stood, there was nothing to prevent any person going on board a steamer from entering into a special contract if he thought fit, that the owners of the vessel should be liable to damages limited to £150 or £100 in case of loss of limb or

personal injury. But even then it would not be right for the House to say that an endorsement upon a ticket delivered to a passenger, who perhaps could not read, should constitute an instrument sufficient for the validity of such a contract. He should therefore decline to legislate on that subject, or to insert any clause in an Act of Parliament which should say what instrument should be considered valid. With regard to loss of life, supposing a passenger took a ticket upon which notice was given that the shipowner was to be liable only to the amount of £150 in the event of such passenger being drowned through the default of the managers of the ship, then his hon. Friend would say that no larger sum should be awarded under Lord Campbell's Act. But Lord Campbell's Act gives to the widow, the child, or the parent power to sue the shipowners for the damage occasioned to them by the drowning of their relative. They were the persons entitled to sue, and they would not be parties to the contract. If the House were disposed to repeal Lord Campbell's Act, let it be done deliberately; but they ought not to seek to evade it and prejudice the rights of the orphan and widow by making an important exception in favour of shipowners. On those grounds he must decline to agree to the clause.

MR. MOFFATT said, that at present there was no power to compel a person to enter into a contract before proceeding on a voyage; and in case of accident he might claim any amount he thought proper. That being the state of the law, it was an abundant reason why the clause should be agreed to by the House. It was in his opinion, a perfectly fair thing, and in accordance with the principle of the Bill, that shipowners should be allowed to limit their responsibility to a fixed sum.

THE ATTORNEY GENERAL said, it seemed to him that the clause was one of a mischievous character, and he did not think it had been well considered. If the law in respect to the liability of shipowners as carriers ought to be altered where personal injury or loss of life was involved, then there could be no doubt that the alteration ought to be comprehensive and general. If the arguments in favour of the clause were good for anything, they would apply to railway companies and other persons carrying passengers for hire. He hoped his hon. and learned Friend would not persist in his proposal, but withdraw it.

If he should desire to discuss it on the narrow grounds put forward, it would appear that he had not thrown around the lives or the limbs of persons the same safeguards and protection as were thrown around goods and cattle by the existing statute law. Under existing statutes persons might sue for damages in case of loss of goods or cattle through the personal default of the shipowner, even although there might be a special contract; but the present Bill conferred no analogous right upon passengers by sea. Under the law as it stood, if a person with his eyes open chose to enter into a contract limiting the responsibility of the shipowner in case of an injury to his person, there could be no objection to it. But the great majority of persons to whom the ticket with its endorsement would be given would be emigrants and other persons in humble life, many of them, perhaps, unable to read. He did not think that such a clause as that proposed should be inserted in the Bill at so advanced a stage. If generally carried out, the clause would undoubtedly produce a very important, and, he thought, a dangerous change in the law.

MR. LINDSAY said, the law as it stood was in a most unsatisfactory state. For instance, if the hon. and learned Gentleman and his clerk should take their passage in the same vessel, both paying a like sum to the shipowner, and both should be injured or lose their lives, the representative in the one case would claim a much larger sum than in the other, though the shipowner received no more from one than from the other passenger. The proposal, therefore, deserved consideration, although it might not be the proper moment for bringing it forward.

MR. COLLIER said, there could be no real objection to the clause. He could understand that tickets in the form proposed might not be sufficient notice to the persons who might take them. To remedy that objection, he would suggest that every ticket should be signed by the party to whom it was delivered. The clause did not, in his opinion, interfere with the freedom of contract.

MR. LOCKE said, he thought the clause did interfere with the freedom of contract; for if a shipowner should hand a ticket to a passenger, that of itself would limit his liability, and by the clause the passenger must take the ticket. [Mr. AYRTON: The passenger need not go.] But suppose

he wants to go, and there is no other ship to take him. Surely that could not be freedom of contract.

Motion made, and Question, "That the said Clause be now read a second time," put, and *negatived*.

MR. LAIRD said, he rose to move a clause to make it imperative that chains, cables, and anchors should be impressed with an official proof-mark. A Committee of the House had reported that the cables in the navy, which were thoroughly tested, rarely gave way, while of those which were used in the merchant service, and were not tested, a large percentage failed. His own experience bore out the statement of the Committee. He had made it a rule not to receive any cables or anchors which had not been proved at a public machine, and since then he had heard no complaints as to their quality from the persons to whom he supplied them. The shipowners would have to bear the cost of the operation, and they were generally in favour of his proposal. The Peninsular and Oriental, the North American Mail, the Royal Atlantic Mail, and other shipping companies supported his clause, as did also Sir S. Cunard, Messrs. Wigram, &c. He had found no difficulty in enforcing this provision in his own case. There were large public testing machines at London, Liverpool, Birkenhead, and elsewhere. He would therefore move the insertion of the following clause:—

"That on and after the 1st day of January, 1884, all chain cables and anchors bought or sold for use on board British ships registered in the United Kingdom shall be impressed with an official proof-mark as evidence of having been subjected to an authorized proof equal to the tensile strain applied by Admiralty regulations to all cables and anchors used in the Royal Navy; the Board of Trade to be empowered to make such rules and regulations thereon as may from time to time appear necessary to ensure the efficiency of ships' ground tackle; to grant licences to public and corporate bodies to apply the required test and authorized proof to all such cables and anchors; to impress a proof-mark, and to give proof certificates thereof for production when required."

*Clause brought up, and read 1<sup>o</sup>.*

SIR JOHN HAY seconded the Motion.

MR. MILNER GIBSON said, he was sorry that he could not accept the clause, which was rather an indication of opinion than a practical enactment. The Board of Trade were to be required to frame rules and regulations on the subject, but no machinery was provided to carry them out.

The principle involved was rather questionable. It was proposed that every anchor and chain cable sold in this country, after a certain date, should bear a test-mark, like a gun barrel. But what would that system involve? There were a great number of anchors and cables in store, and every manufacturer would have to be at the expense of sending them to some place where there was a testing machine to be tested—in the presence, he presumed of a Government official—before they could undergo the stamping process. And unless that were done, the anchors, chains, and cables already made would become valueless, and would not be sold. Again, there were other anchors and cables kept at certain places on the sea coast for ready use, and those would have to be sent to be tested by the machines before they could be used. That would occasion great expense and inconvenience to the shipowner and the manufacturer of chains and cables, who must either send every chain and anchor to some Government establishment to be tested, or they must erect testing machines at an expense which he had heard estimated at £1,000 in each case. But the strength of a chain depended on each particular link; unless the Government stamp, therefore, were put upon every link, the process of testing afforded no security. The decision announced by the Committee of Lloyd's would exercise considerable effect in causing persons to use only such chains and anchors as had undergone testing; but the House ought to consider the question very seriously before it went the length of making it compulsory that all chains after a certain day should bear the proof-mark. A reference to the Gun Barrel Act would show what extensive machinery would be required to carry out such legislation. Testing machines should be established all over the country, and inspectors appointed at great expense. But in the clause no provision was made for anything of the kind; it contented itself with throwing all the labour and all the responsibility on the Board of Trade. His hon. Friend the Member for Portsmouth had done good service by the information which he had been instrumental in procuring before the Select Committee; but he thought the House would be acting hastily and unwisely in agreeing to the present Motion.

SIR JAMES ELPHINSTONE said, he had presented a petition in favour of

the proposal from the city of London signed by the representatives of 1,000,000 tons of shipping belonging to that port; the Dock Committee of Liverpool had memorialized their representative to support the Motion; the town of Birkenhead was also in favour of it. He believed the only opposition to it arose from a small number of shipowners not quite as careful of the lives of men in their employment as proprietors with larger capital. The manufacturer of the cables on board the *Royal Charter* stated that they were only tested to seventy-two tons, and that if they had been tested to Admiralty proof, that was to say to twenty tons more, in all probability they would not have parted. The additional cost would have been only £1 a ton; and as the ship had thirty or thirty-five tons of cable on board, it followed that 497 human lives were lost, humanly speaking, for £35 worth of ship's cable. It was stated in a work published by General Brereton that during the great gale of November 14, in the Black Sea, according to the testimony of the merchant captains, their cables all snapped like glass at a particular period of the gale. The breaking strain was reached at that point; but of the men-of-war lying at Kazatch not one parted her cable. So that thirty transports were lost on that occasion, and the safety of the allied army imperilled, solely because the merchant vessels were not supplied with cables properly tested. The right hon. Gentleman complained that the clause did not propose any machinery. Why, it put the whole matter into the hands of the Board of Trade; and surely it was not too much to expect that the department which undertook the care of the whole marine of the country should pay a little attention to the lives of its seamen. No unreasonable demand was made; it was not expected that all existing cables should be brought on shore and tested. It was simply proposed that after the first of January, 1864, no cable should be sold without an impressed mark; and where human life was at stake trifling considerations of expense or inconvenience ought not to be allowed to stand in the way. The Board of Trade licensed persons to sell bad chains picked up and brought into the Downs, Harwich, or elsewhere; if they authorized the sale of rotten rubbish, by which more lives might be sacrificed, why could they not equally well license the selling of good chains?

MR. FENWICK said, that no doubt it

was desirable that chains and anchors should be of the best possible description ; but the question really put by the Member for Birkenhead was, whether owners of merchant vessels were hereafter to be subjected to Government control. If once chains and anchors were inspected, the next step might be to supervise the ropes and rigging. The question was fully discussed before the Committee, which almost unanimously decided against the proposition now before the House ; and without suffering evidence he trusted the House would not reverse the decision of the Committee.

MR. BENTINCK said, he entirely concurred with the hon. Baronet (Sir J. Elphinstone) in the importance which he attached to the subject. It had been asked why should not the shipowners be allowed to manage their own affairs ? No doubt it was most desirable that they should do so ; but what, he would ask, was every clause of the Bill but an interference with private rights ? The supporters of the clause, however, only asked the Government to interfere to save human life when it might be saved. He did not think the right hon. Gentleman the President of the Board of Trade had been able to make out a good case against the clause. The right hon. Gentleman said that it only conveyed an opinion, and was not practical. Now, that was precisely the merit of the clause. Its object was to give the Board of Trade the power of dealing with the grievance. What would have been said if the hon. Member for Birkenhead had brought forward a distinct and specific plan ? Why, that it was an interference with the Executive in matters of detail. The right hon. Gentleman went out of his way, and said that the stock of chains in hand would become useless in the event of this clause being adopted. Did the right hon. Gentleman mean to say that he upheld the system of passing off rotten chains ? And then with respect to the question of expense, did the right hon. Gentleman mean to sanction the use of rotten chains because they were cheaper than good ones ? As to the question of time, ample time would be allowed under the clause for testing every cable in every part of great Britain. He contended that wherever fraud existed it ought to be put a stop to, especially when it involved the loss of a large amount of life. There was no difficulty whatever in testing chains and anchors ; and if the right hon. Gentleman did not consent to

the clause, he, and the Government of which he was a Member, ought to be held responsible for the consequences.

MR. LIDDELL said, he fully appreciated the motives of the hon. Member for Birkenhead in proposing the clause, but he would ask the House to pause before giving it their sanction and approval. It had been advocated on the ground that it would give additional security to life. But he would ask the House to remember the powers given to the Board of Trade by the Passengers Act with respect to that class of ships in which the greatest loss of life occurred. The Board had the superintendence of the fitting of these vessels and the power of teaching the owners how they ought to be navigated. Lloyds and the insurance companies were, for their own security, also interested in looking after them. Surely, under these circumstances, it was much better to leave the owners to manage their own affairs. The Board of Trade already possessed extensive powers, and he objected to any increase of those powers, but rather hoped that the House would see the necessity of restraining them.

MR. JACKSON observed, that there was abundant evidence before the Committee to show the necessity of the power of testing being given to some proper authority. The hon. Member who had just spoken had treated the matter as one of insurance, but the evidence before the Committee showed that it was one of premium. He apprehended that it was the duty of the House so to legislate as to give the greatest amount of protection to Her Majesty's subjects on board those merchant ships in which they embarked ; and if it was once known that the Government were determined that every anchor and cable should be subjected to a sufficient test, shipowners would take care that the requisition was complied with. The opposition to the plan was got up by the owners of small craft, the loss on which was 80 per cent out of the whole loss on shipping. It was useless for the Board of Trade to say they could not carry out the plan. They took all the patronage they could obtain, and ought to take the responsibility ; and if they declined doing so, the House ought to make them.

MR. CLAY said, that if the shipowners were so anxious for the provision as had been represented, they might carry it out without the interposition of Parliament. As far as his experience went, however,

they objected to a sort of fidgety legislation which would not leave them masters of their own business. The clause, as proposed, would be wholly unworkable, and would not give to the Board of Trade the powers which would be necessary to attain the object of its author. He thought, however, that the regulations at Lloyd's and the interest of the shipowners themselves was amply sufficient to ensure the supply of good anchors and cables to their ships. Wholesale loss of life occasionally occurred on railways from insufficient springs or tires; but no one proposed that every piece of iron employed on a railway should be subjected to a Government test on that account. They had no right to subject shipowners to restrictions which did not apply to other classes. The clause itself was wholly unworkable, for it gave no power to inflict penalties in case of neglect to comply with its own provisions, nor did it provide for the establishment of testing machines. Even if it was desirable to adopt the principle, the proposed clause was not the way to do it.

MR. HUTT said, that although the Committee which had been referred to was convinced that it was desirable that cables and anchors, superior in make and material to those which were generally employed, should be used, they reported that it would be inexpedient to force their adoption upon the shipping interest by means of penal laws. He held in his hand a letter from a civil engineer of eminence who had been employed by Lloyd's to carry out the object of establishing testing machinery. The gentleman to whom he referred was examined before the Committee, and it might be satisfactory to the House to hear this passage in his letter—

" You, no doubt, are aware how Lloyd's Committee is formed; it being composed of one-third merchants, one-third underwriters, and one-third shipowners, of which Thomas Chapman, Esq., is chairman. The Committee, upon knowing the decision the Government had arrived at, determined to take up the question, and I am at this time engaged professionally by them to carry out the object of establishing proper public testing machinery, and they in January last passed the enclosed resolutions, which you will see come into force on the first day of next year. The effect of these is that no vessel can be registered at Lloyd's to have an A 1 class or certificate unless these rules are complied with. I am putting down for them most powerful and complete machinery for the port of London at the West India Docks, which will be ready before the winter, and every means will be taken (if the Committee con-

tinue like-minded as they have begun) to extend such work as may be required at other ports and places, and the local authorities invited to interest themselves therein, while the surveyors of Lloyd's will aid and assist in seeing that the same be properly carried out."

By the agency of the regulations which Lloyd's was about to put in force, and the action of the Government in not taking up any ship for troops, emigrants, or stores which could not produce a certificate that her cables and anchors had been properly tested, the object of the hon. Gentleman (Mr. Laird) would be more effectually and efficiently carried out than by any clause that they could adopt or any Act of Parliament that they could devise.

MR. HENLEY said, that the question before them was one of the most important in its principle and object, which the House could have before it. It had been argued on the ground of humanity, and the hon. Baronet the Member for Portsmouth affirmed, that if the Royal Charter had been supplied with cables of the Admiralty strain instead of the merchant strain, 497 lives would have been saved. It was easy to give that opinion; but how could the hon. Baronet venture to say, if she had been fitted with Admiralty chains, that they would have held the ship? Then as to the men of war in the Baltic, he (Mr. Henley) was informed that on board one of her Majesty's ships all the chain cables broke like glass, owing to the peculiar pitching of the sea, and that the ship was eventually brought up by a hempen cable. That showed that these precautions did not always save life. No doubt it was desirable that all ships should be furnished with cables and anchors of the best description in all cases. But the question was whether that end could be better secured by passing the clause than by leaving the matter to Lloyd's, who, it was quite plain, were taking it up. For his own part, he had no great faith in Government action, and he relied much more upon the merchant body themselves. Then, how often were these cables to be tried? Were the Board of Trade to make a regulation that no unfit ship should ever go to sea? Was the House prepared to go the length of saying that the Government was to see that every ship was seaworthy? He believed they would do better by leaving the matter to Lloyds, who employed persons far more experienced than any Queen's officers could be. But if the question were to be dealt with at all, it ought to be done

by Bill, so that all parties might understand what was intended, and that the House might watch every step that was taken. The House would find it impossible to stop in the matter if they once began; and on these grounds he must oppose the clause.

SIR JAMES ELPHINSTONE in explanation said, that the *Algiers* rode out the gale of the 14th of November with two iron chains a head as well as a cable; and that thirty sail of men-of-war did not lose a chain cable.

Motion made, and Question put, "That the said Clause be now read a second time."

The House divided:—Ayes 101; Noes 188: Majority 87.

MR. MOFFATT said, that as Clause 52 imposed a large number of liabilities upon shipowners, he would move the following clause to be inserted immediately afterwards:—

"Insurances effected against any or all of the events enumerated in the section last preceding, and occurring without such actual fault or privity as therein mentioned, shall not be invalid by reason of the nature of the risk."

*Clause agreed to.*

MR. AYRTON said, the right hon. Gentleman the President of the Board of Trade had not fulfilled the pledge given before the Select Committee that a magistrate and two assessors should sit as a Court of Inquiry, and that one magistrate and one assessor should not have the power to cancel the certificate of a master, mate, or engineer. He would accordingly move the insertion of a clause that the Board of Trade should appoint a naval court, to be presided over by a magistrate, assisted by two assessors of nautical skill and experience.

*Clause brought up, and read 1<sup>o</sup>.*

MR. MILNER GIBSON said, it had formerly been the practice of the Board of Trade to appoint one assessor to assist the magistrate. It was, however, now the practice to appoint two assessors, and the change was found to work well. There was therefore no occasion for the clause.

Motion made, and Question, "That the said Clause be now read a second time," put, and negatived.

*Clause 24 (Power of cancelling Certificate to rest with the Court which hears the Case).*

*Mr. Henley*

MR. MILNER GIBSON said, he moved to add the following words:—

"The 434th and 437th sections of the principal Act shall be read as if for the word 'nautical' were substituted the words 'nautical or engineering,' and as if for the words 'person' and 'assessor' respectively were substituted the words 'person or persons' and 'assessor or assessors' respectively. No certificate shall be cancelled or suspended under this section unless a copy of the report or a statement of the case upon which the investigation is ordered has been furnished to the owner of the certificate before the commencement of the investigation, nor unless one assessor at least expresses his concurrence in the report."

MR. AUGUSTUS SMITH said, he would express the hope that the right hon. Gentleman would consider the propriety of giving local magistrates the same power as formerly of adjudicating upon all matters connected with salvage.

*Amendment agreed to.*

*Clause 52 (Shipowners' Liability limited).*

SIR HUGH CAIRNS said, he wished to move, in line 38, after "fifteen pounds," to insert "per registered ton in the case of sailing ships, and twenty pounds per registered ton in the case of steam ships." He advocated the principle of the registered tonnage being the measure of liability, because it had been always adhered to up to the present time; and there would be great inconvenience in introducing a contrary system, because it would be extremely impolitic to give an inducement to steamboat owners to make their engine-room as small and their engines as little powerful as possible, and because the Committee of the House which sat upon the subject of merchant shipping had recommended it. Steamboat proprietors were willing that the rate should be £20 per ton, provided the register tonnage were taken. The liability imposed by the Bill would be very much above the value of the steam tonnage over the country, and by its adoption a great injustice would be done to the steam-shipping interest.

*Amendment proposed,*

In page 20, line 38, after the words "fifteen pounds," to insert the words "per registered ton in the case of sailing ships, and twenty pounds per registered ton in the case of steam ships."

MR. MILNER GIBSON said, the Select Committee on Merchant Shipping, of which he had been a member, intended that the gross tonnage should be taken when a ship was measured to determine the

extent of her liability for damage, and accordingly the Committee used the term "gross registered tonnage" to express the opinion that it should be the size of the ship that should be taken as the measure of liability. The plan proposed by the hon. and learned Member would very largely limit the liability of steam ships with powerful engines and large engine-rooms. The hon. and learned Member proposed an increase in the liability from £15 to £20 for life, and from £8 to £10 for goods; but that increase would still limit very materially the liability of powerful steam ships as compared with other steam ships and with sailing vessels. The proposition was to make the steamer's liability dependent on the size of the engine-room—in other words, on the power of her engines. Damage was to be paid to the owners of the injured vessel in proportion, not to the size, or mischief-producing power, but according to the registered tonnage, which was in inverse proportion to the ability of the vessel to do mischief. To show the practical effect of the Amendment, he would quote a few figures. Take the case of the *Leinster*, a powerful paddle steamer carrying passengers. The gross tonnage was 1,383 tons, her registered tonnage 386. Her present liability for life and for goods was the value of the ship and her freight. Her probable value was between £60,000 and £70,000. His own proposal, taking £15 for life and £8 for goods on the gross tonnage, would give £20,735 for life, and £4,064 for goods. The Amendment of Sir Hugh Cairns would make her liability for life £7,720, and for goods £3,868. Now, take the case of another vessel. Take the case of the *Robert Lowe* a screw boat. Her gross tonnage was 1,475, her registered tonnage 1,278. His (Mr. M. Gibson's) proposition would, in this case, render her liable for life to £22,000, and for goods to £11,000. The Amendment would increase her liability for life to £25,000, and for goods to £12,780. So that the hon. and learned Gentleman would increase the liability of the weak-engined ship, and diminish the liability of the powerful-engined ship, which possessed the greatest power to do mischief, because propelled with the greatest velocity. While the *Leinster*, estimated according to her gross tonnage, would be worth about £70,000, the *Robert Lowe*, what should he say—was her value? Her value was nothing like so large as that of the *Leinster*. With a considerably

less value there was a very great increase of liability. He believed the House had already reached the full extent of limited liability. If they adopted the Amendment of the hon. and learned Member opposite, they would be lessening materially the liability of the most valuable class of ships—namely, the passenger-carrying ships, with powerful engines, and relieving those most able to meet liabilities—namely, their opulent owners. And the House should, moreover, remember that the liability only existed where it was clearly proved that the damage was occasioned either wilfully or by culpable negligence.

Question put, "That those words be there inserted."

The House divided :—Ayes 79 ; Noes 97 : Majority 20.

MR. MILNER GIBSON said, he would then move the insertion, after the word "things" in line 40, Clause 52, of the words "whether there be in addition loss of life or personal injury or not." The object of the Amendment was to remove obscurity from the clause, and make it clear that £15 per ton was the maximum liability for goods and life, and £8 the maximum for goods alone.

Amendment agreed to.

Clause 64 (Power to Shipowner to enter and land Goods in default of Entry and Landing by Owner of Goods).

MR. CAVE moved, page 25, paragraph 7, line 6, after "such delivery," to insert "without due cause." He thought the whole paragraph unnecessary, because, though it was very probable that an owner of goods might wish to keep them on board ship longer than he ought, the converse was not very likely to be true—namely, that a shipowner when discharging his vessel should wish to detain them without cause; and there was this practical objection to the clause, that in case of a ship entering port with a cargo belonging to several consignees, the one whose goods were at the bottom might demand them before it was possible that they could be got at, and then he would be entitled to twenty-four hours' notice, which would be simply nullifying the object of the Bill, and returning to the old system of delay and waste of time. He (Mr. Cave) would prefer omitting the clause; but, failing that, he proposed introducing the words of which he had given notice, in order to prevent abuse of its provisions. The right hon.

Gentleman had given notice of another Amendment to the same effect, and he (Mr. Cave) was quite willing to give way to him, if he preferred his own words. If, therefore, the right hon. Gentleman would abide by his Amendment, he (Mr. Cave) would merely move his own *pro forma*, and would willingly give his support to that of the right hon. Gentleman.

Amendment proposed, in page 25, line 6, after the words "such delivery," to insert the words "without due cause."

MR. MILNER GIBSON stated, that if the Amendment of the hon. Gentleman were withdrawn, he would make the proposal of which he had given notice.

Question, "That those words be there inserted," put, and *negatived*.

MR. MILNER GIBSON said, he had then to propose a verbal Amendment in section 7 of the clause. The section provided that where the shipowner had failed to make delivery of the goods to a consignee who had offered to take them, the former, before landing the goods, should give the latter twenty-four hours' notice in writing, otherwise the landing should be made at his own risk and expense. He proposed after the words "has failed to make such delivery," to insert "and has also failed at the time of such offer"—that is, the offer on the part of the consignee to take the goods—"to inform the owner of the goods of the time at which such goods can be delivered."

MR. LOCKE said, he should oppose the Amendment. The Amendment only provided for the case of the shipowner failing to inform the consigned when his goods would be delivered; but suppose the shipowner did inform the consignee when his goods would be delivered, and failed then to deliver them, there was no remedy provided for such a case. The Amendment of the right hon. Gentleman would produce great ambiguity, and might lead to the greatest injustice.

MR. LINDSAY said, he believed that the clause could not be worked, unless there should be introduced into it some such Amendment as that proposed by the right hon. Gentleman the President of the Board of Trade, because without it the general delivery of the goods would be postponed to suit the convenience of a particular consignee.

MR. AYRTON said, he did not think

*Mr. Cave*

the case put by his hon. and learned Friend the Member for Southwark provided for by the Amendment. The consignee should be entitled to twenty-four hours' notice if the shipowner failed to deliver the goods at the time stated to the consignee for the delivery thereof. He would propose words to that effect.

MR. MILNER GIBSON said, he considered the words of the Amendment sufficiently explicit to meet the case supposed by his hon. and learned Friend; because, if the shipowner informed the consignee of a time at which his goods could not be delivered, he must be considered as having failed to inform him of a time when they could be delivered. The consignee in such case would be entitled to twenty-four hours' notice.

Amendment *agreed to*.

MR. R. HODGSON said, that he wished to move an Amendment in Schedule A, having for its object the repeal of the 388th section of the Merchant Shipping Act, which relieved shipowners from liability in cases where the employment of pilots was compulsory. The effect of the present system was, that no real responsibility rested upon any one, because every one knew that it was idle for a shipowner who had been damaged by his craft being run down by a ship under the charge of a pilot, to bring an action against the pilot, although such pilot might have given the usual security of £100, it being well known that the pilots had no effects; and, indeed, in one case in which an action was brought, it was found that the pilot had sold off his goods and emigrated to Australia. He had no doubt whatever that he should be told that it would be unjust to the shipowner to make him liable for the carelessness of a pilot over whom he had no control, but he could not see the force of that objection. The pilot was employed for the main purpose of bringing the ship and cargo into port safely; and if in the process of that operation the vessel ran down another, surely the owner ought to be liable just as much as if it had done so without any pilot. He believed the repeal of the section would tend to impose on the pilots a sense of responsibility which would render them far more careful than they now were. At present, practically speaking, there was no remedy whatever for the owners of a vessel which had been run down by another under the compulsory charge of a pilot.

Amendment proposed, in Schedule, Table (A), last column, to insert the words "Section 388 of Merchant Shipping Act, 1854."

MR. LINDSAY said, that the Motion touched one of the evils which arose from compulsory pilotage. Let that be swept away, and then let the pecuniary responsibility fall where it ought. As long, however, as the law deprived a shipowner of the charge of his ship when she arrived within a pilotage district, it would be unjust to make him responsible for damage done by his vessel when under the care of a person imposed upon him by the State.

MR. MILNER GIBSON considered it doubtful whether the result of the proposal of the hon. Gentleman, even if adopted, would be what he wished. The compulsory pilot was the servant of the State, and he considered that the common law of the country would not hold the shipowner liable for the acts of such pilot. He did not think it would be just to the shipowners to repeal this section of the Act.

MR. BENTINCK said, that the present system gave rise to constant injustice. Very often a vessel had the option in narrow waters of either running down a barge laden with a valuable cargo or going on shore; and the consequence was that the pilot, not being really responsible, ran over the barge and sank her. In point of fact, the present law was almost an invitation to adopt that course; whereas by making the owners responsible, the pilots would be far more likely to exercise due care. It was a monstrous injustice that people who were so treated should have no remedy, and he hoped the hon. Member would persist in his Amendment.

MR. HORSFALL said, he would remind the House that the pilot being responsible to the amount of £100, it would be a matter of great importance to him not to incur such a fine, and it was amply sufficient to induce him to take due care.

Question, "That those words be there inserted," put, and negatived.

Bill to be read 3<sup>o</sup> To-morrow.

#### SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

#### THE COTTON SUPPLY. PAPERS MOVED FOR.

MR. J. B. SMITH said, he rose to call the attention of the House to the obstacles which existed in India to the increased growth of cotton, and the importance to India and to this country of their removal; and to move an Address for copy of further correspondence relating to the improvement of the navigation of the river Godavery. If he could convey to the House an adequate idea of the magnitude of the cotton manufactures of this country, he thought the House would agree with him that the question which he was desirous of bringing under its consideration was one of the highest national importance. The cotton manufacture of this country was the greatest industry that ever had or could by possibility have ever existed in any age or country. His hon. Friend the Member for Manchester, who was a great authority on cotton statistics, estimated, that if the cotton goods manufactured in this country were the work of hand labour instead of machinery, they would require the labour of 160 millions of people. Here was the secret of the immense wealth which they had derived from the cotton manufacture. By means of their wondrous machinery, they were able to produce with one million and a half of people as much as could be produced by 160 millions. This country had not only derived great riches from this manufacture, but millions in every part of the world had partaken of the benefit of cheap and comfortable clothing; so that any interruption to our cotton trade might be regarded as little less than a world's calamity. It unfortunately happened, however, that the cotton manufacture of England had been dependent for many years almost solely on one source of supply. They had derived 85 per cent of their raw material from the United States of America. For many years past that dependence had been a source of great anxiety to the more intelligent and thoughtful of their manufacturers. When he had the honour of being President of the Manchester Chamber of Commerce, twenty years ago, it was a frequent subject of discussion, and they were continually importuning the East India Company to open out roads and rivers and to promote the growth of cotton in India. In 1848 his hon. Friend the Member for Birmingham moved for a Committee of that House to inquire into the subject of the

growth of cotton in India, and two years after he moved that Royal Commissioners should be sent out there to inquire and report as to the feasibility of growing cotton in India. The Government of the day opposed the Motion, and it was lost. In the following year, however, the Manchester Chamber of Commerce sent a commissioner of its own out to India; but, unfortunately, that gentleman died before he executed his mission. The dread of a cotton famine continued more and more to stare them in the face, and about six or seven years ago an association called the Cotton Supply Association was formed in Lancashire, the object of which was to obtain information as to the capability of other countries to grow cotton, to distribute seed, and to endeavour to induce parties to embark in its cultivation. In 1858 the hon. Member for Dumfries obtained a Committee to inquire into the agricultural resources of India. The House would see, therefore, that every effort had been made from time to time to avert, if possible, the dreadful calamity which they saw might some day or other arise. Nevertheless, the danger so much apprehended had at last been realized, and the country was labouring under a cotton famine. In other words, to thousands of the most industrious people in the world a famine of cotton was but another name for a famine of food. Some idea might be formed of the extent of that famine, when he stated the amount of the imports from America. Last year the import of American cotton amounted to 1,520,000 bales; this year there had so far arrived only 22,000. The stock of American cotton in the country this time last year was 900,000 bales; this year it was only 90,000. The total stock of all kinds at this time last year was 1,180,000; this year it was only 290,000 bales, which, at the usual rate of consumption, would be only sufficient for a month. In discussing the question it was necessary that they should take an enlarged view of it. They knew that there was a whole year's crop lying in America, with the exception of a portion which had been destroyed, and which was probably not much. But they ought to inquire what were their future prospects even if they could obtain that. Some persons had calculated that half the usual crop had been sown this year in America, but others doubted if there was so much; and who could tell what would be the issue of the civil war, or when it would end? Putting it in its most favourable light, and

assuming that the quarrel was settled tomorrow, the importance of new sources of supply was more urgent than ever. Every one must see that, considering the loss of capital which had taken place, the disorganization of society, and the necessity of the Southerners to turn their labour to the growth of food and other necessaries for their own consumption, the export of cotton from America would not be for years to come, if it was ever again, so large as it had been. Various new sources of supply had been suggested, but he was not aware of any one of them that had yet produced as much cotton as would last our manufacturers from breakfast to dinner time. There were only two countries that could grow cotton in sufficient quantity for their wants—America and India—and under present circumstances India appeared to be the only resource. But the quality of Indian cotton was inferior; and manufacturers would never use it whenever they could get a sufficient supply of a better material elsewhere. The demand for Indian cotton was therefore an occasional one; and it was well known that no country would grow a commodity merely to meet an occasional demand. The result was, that whenever a demand arose, the markets of India were completely swept, not of cotton grown for England, but of that which the people had grown for their own requirements. The most important question to be considered was whether India could grow cotton superior to the ordinary native quality, and equal to the great bulk of American cotton. The Government had very recently appointed Commissioners to inquire into the subject generally. He had seen the report of one of them, Mr. Cassells, on the province of Bombay, which was decidedly unfavourable. Mr. Cassells pronounced the experiments, which were made at great expense by the East India Company, to be total failures. He is of opinion that India cannot materially improve the quality of cotton, and that such improvements as have been made were mere "cultivation in a flower-pot." If that report were worth anything, it would, of course, be very lamentable; but there was really nothing new in it. All the evidence which it contained was known before, and the only novelty was Mr. Cassells' individual opinion, which he thought he should be able to show was of little value. The Indian mind was at present in a similar state of darkness with the agri-

cultural mind of England twenty years ago. They all recollect the predictions, that if the Corn Laws were repealed, the land would go out of cultivation. The result of the repeal, however, had been that the agriculturists had become an intelligent and scientific body, who would now be the first to laugh at their former delusions. Notwithstanding that under English superintendents Indian indigo, which used to be the worst in the world, had been converted into the best; notwithstanding that India now produced the best coffee, the best opium, and even, he understood, the best tea; notwithstanding that a great improvement had been effected in Indian wool, flax, sugar, and many other articles, the Indian mind was still imbued with the notion that the country could not produce good cotton. It was deplorable to observe the ignorance which prevailed on this subject even in the highest quarters. The Governor of Madras wrote to the Cotton Supply Association a short time ago to say that the black soil of India would not grow cotton from American seed. A few months afterwards came Mr. Cassells' official Report, contradicting the Governor of Madras, and stating that in the province of Dharwar alone 170,000 acres of cotton were grown on Government land, from American seed, on the black soil. Mr. Heyward, the agent of the Cotton Supply Association, stated, at the same time, that there were, in addition, in the same province, 100,000 acres grown on the black soil, from American seed, on free land. The fact was, that in Madras, and in the Nizam's territory, cotton was raised on the black soil, from American seed, to great perfection. He (Mr. Smith) did not blame the Governor of Madras for expressing the opinion; no doubt he was the mouthpiece of other persons, and knew little of the matter himself. He hoped, however, opinions on these subjects would not, in future, be expressed from such high quarters, without previous inquiry. Earl Canning also told the Association that the Indian ryots had nothing to learn in regard to the cultivation of cotton. Why, these ryots were the most wretched and poverty-stricken of any race of cultivators, in comparison with whom even the Irish cottiers were prosperous. They had not money enough even to buy seed, and had to borrow it at an interest of 40 or 50 per cent, and their agricultural instruments were of the rudest description.

There were only two means of growing cotton or any other article successfully in

India: the first was by English superintendence and capital; and the other was by some enthusiast personally surmounting the obstacles which ignorance threw in the way of success. There was no instance of Englishmen trying the cultivation of cotton after the manner of Indigo planters; but, fortunately for India, it had produced one enthusiast cotton-grower in the person of Mr. Shaw, the collector of Dharwar. Mr. Shaw was strongly impressed with the value and importance to India and to England of the growth of an improved quality of cotton in India: he had seen the experiments made by order of the East India Company, by the planters brought from America, and those of other persons, and was convinced, notwithstanding their failures, that he could grow good cotton from American seed. What Mr. Cassells said was impossible, he (Mr. Smith) would show, Mr. Shaw had accomplished. With great difficulty Mr. Shaw prevailed on the Government to allow him to try the experiment; he commenced by superintending the cultivation of twenty-five acres with American seed, which he afterwards increased to 25,000 acres. Mr. Shaw had great difficulties to encounter in overcoming the prejudices of the ryots, which could only be accomplished by great firmness and perseverance. He found the country dealers would not buy from the ryots the cotton grown from American seed, and he was obliged to buy it himself. Then the ryots complained of the great loss of growing American seed, inasmuch as their cattle, which fed upon Native seed, would not eat American seed. Mr. Shaw took the opportunity of a great gathering of the ryots on a rent-day to address them on the subject of cotton-growing, pointing out to them the advantage that the American seed produced nearly double the quantity of cotton which the native seed yielded; and to prove that the cattle would eat American seed, he offered to put down 100 rupees, and they might subscribe amongst themselves a like sum: they should then bring the first cattle they could find, and if the cattle would not eat the American seed, they should take the 200 rupees; but if the cattle did eat it, then he (Mr. Shaw) should take the 200 rupees. This offer excited all the interest in the 2,000 or 3,000 people assembled that he wished: they were pleased with the idea, and retired to consider it; but returned declining to subscribe the 100 rupees, though they were unanimously confident that the

cattle would not touch American seed. Mr. Shaw then ordered the people to bring the first cattle they could find; a number were brought, and quantities of American and of Native cotton seed were placed before them. It happened that the cattle went first to the American seed, and then ate the Native seed. The people appeared so astonished at this result, that Mr. Shaw thought he had settled this seed question for ever; but no, though the cattle had eaten the American seed, the ryots declared it would kill them all; but as none died in consequence, the great objection to the planting of American seed was thus overcome. But Mr. Shaw had now to encounter the prejudices of his own countrymen. The American planters having declared that Mr. Shaw's experiments had failed, and that the cotton he grew from American seed was inferior to that grown from Native seed, samples were sent to Bombay, and the merchants there agreed in opinion with the American planters. Mr. Shaw still maintained that his cotton was of a superior quality, and the Government, in order to put it to the test, ordered 500 bales of native cotton to be purchased and sawginned and sent to Bombay with 500 bales of Mr. Shaw's cotton grown from American seed and sawginned. The two parcels were sold by public auction, and the Bombay merchants, true to their opinion, gave a higher price for the cotton grown from Native seed, than for that grown from American seed. When Mr. Shaw heard of this result, he felt, to use his own expression, "fairly done up." The laugh went against him, but he had only to wait a few months and the laugh went the other way. The cotton was shipped from Bombay to Liverpool; it had now reached a place where its true value was understood, and now Mr. Shaw reaped the reward of his perseverance and skill: the Native cotton for which the Bombay merchants had given the highest price sold by auction in Liverpool at 3½d. per lb., and Mr. Shaw's cotton grown from American seed, for which they gave the lowest price sold at 6½d. per lb. Now, it happened that the hon. Member for Manchester (Mr. A. Turner) purchased some of this cotton grown from American seed and valued at 6½d. per lb.; he tried it weight for weight with ordinary Orleans cotton which cost 6½d. per lb., and the result was that the Indian cotton produced three per cent more yarn than the American, and of equal quality. He (Mr. J. B.

Mr. J. B. Smith

Smith) thought that these facts, which he hoped the hon. Member for Manchester, whom he saw in his place, would confirm, settled the question of India being able to produce a quality of cotton equal to ordinary Orleans; and what was most important the House should know was, that the quality of cotton known as ordinary Orleans formed the bulk of all the cotton consumed in this country; so that if India could supply a similar description of cotton, she would be able to meet all our demands. Unfortunately Mr. Shaw had been compelled to quit Dharwar on account of ill health, and since his retirement no Englishman had supplied his place, the result was, that although the production of sawginned cotton had increased from 25,000 to 300,000 acres, the quality sold as American seed cotton had deteriorated from being grown along with native seed, and mixed and adulterated with native cotton; nevertheless, with all its deficiencies, it sells in the Bombay market 40 per cent higher than native cotton. Now, what Mr. Shaw had done could be done again, and he (Mr. Smith) maintained that under English superintendence India could grow any quantity of cotton. Then the question was, why did she not grow it? India will never successfully grow cotton till she can compete with America. India was placed under great disadvantages in this respect. America possessed rich land and cheap carriage, while India had poor land and dear carriage. Again, the Indian soil was exhausted, it having been merely ploughed with a stick for ages, and the ryots had also for ages grown from the same seed over and over again, so that the wonder was the quality had not become more deteriorated. Mr. Heyward, the Secretary of the Cotton Supply Association, saw land picked up with a pickaxe which produced 300 lb. per acre of clean cotton, more than three times the quantity produced by Indian ploughing. With English superintendence and the English plough, they would, no doubt, succeed in growing as good cotton as they had succeeded in growing good flax, which, instead of growing as formerly, only eight inches in length, with English ploughing attained the length of three or four feet. Then again, as regarded irrigation. The East India Company tried it to a small extent, and the land produced a smaller crop of cotton. That was very strange. But the fact was the land was irri-

gated as for rice, and it was a wonder that cotton grew at all. If the land was drowned, the seed would necessarily rot ; but if it was irrigated in the proper season, and in a proper manner, the cotton would increase four-fold, and the quality would be greatly improved. Mr. Varey had produced three crops in the year by irrigation of a quality superior to the best Orleans. It was absolutely necessary to establish in India permanent agencies, in order to inspire confidence in the minds of the ryots. At present there were native bankers in all the districts, who made advances to the ryots whenever they needed them, and obtained possession of the crops to pay the balances due to them, so that although cotton had risen in price the ryots had not participated in the advance, it had all gone into the pockets of the dealers and merchants. If we looked for increased supplies from India, we should be disappointed until there was a competition of buyers, and an assurance to the ryots that they would be able to sell their cotton, at a profit not only in any given year, but for some years to come. The greatest obstacle, however, to the increase of the supply of cotton from India was the want of cheap carriage. In America cotton could be carried for a thousand miles down the Mississippi for one-eighth of a penny per pound, but to bring cotton from Berar to Bombay would cost 2d. per lb. That district, hitherto inaccessible to us, was the finest in India for cotton, and, if properly opened up, could alone supply all this country would require. He would remind the House that shortly before the Marquess of Dalhousie left England for India a deputation from the Manchester Chamber of Commerce waited upon him to urge upon his attention the growth of cotton in India, and the interview seemed to have made a great impression on his Lordship's mind. At any rate, his apology for seizing Nagpore was that it would supply us with cotton. Whatever opinion might be entertained of the merits of the Marquess of Dalhousie's policy, every one would acknowledge that he was a man of great abilities. In his celebrated minute on quitting the Government of India he states, that the importance of supplies of cotton was urged upon him personally by the Chamber of Commerce at Manchester, and he adds—

"The essential interest of England requires that the territory of Nagpore should pass under the British Government, for the possession of

Nagpore will materially aid in supplying a want, upon the secure supply of which much of the manufacturing prosperity of England depends."

But the mere possession of Nagpore was of little use if there were not easy means of conveying cotton to a port of shipment. The Marquess of Dalhousie, therefore, ordered the river Godavery, which runs 100 miles through the cotton district, to be surveyed, with the view of its being made navigable. An estimate was formed of the expense, the work was approved by the East India Company and ordered to be completed ; it was commenced ; but unhappily the rebellion broke out, when it was suspended, and he (Mr. J. B. Smith) believed that very little progress had to that day been made in its execution. He (Mr. J. B. Smith) had recently received a letter from Liverpool, informing him that a new kind of cotton had been shipped from Bombay to Liverpool, called Hinginghaut cotton. Now, Hinginghaut was on the Godavery, and this cotton had therefore to be carried about 600 miles upon the backs of bullocks, at an expense of about 2d. per lb., to Bombay ; whereas if the river Godavery had been opened, it might have been sent to the port of Coringa for half a farthing per lb. Nothing could more forcibly illustrate the impossibility, under ordinary circumstances, of India competing with America, than this fact :—It was only when Indian cotton was selling in Liverpool at 10d. per lb., which ordinarily sells at 4d. per lb., that the merchant could afford to pay 2d. per lb. for carriage from Hinginghaut ; but let us see what would be the state of things in ordinary times. American cotton at the place of growth would be worth 3d. per lb. The carriage to a port would be  $\frac{1}{2}d.$ , total cost  $3\frac{1}{2}d.$  Indian cotton at Berar would cost  $1\frac{1}{2}d.$  per lb., carriage 2d. per lb., total cost  $3\frac{1}{2}d.$  per lb. ; but when the two kinds of cotton reached Liverpool, the American cotton would fetch 5d. per lb., and the Indian cotton only 4d. per lb. But supposing the Godavery were made navigable, the merchant, instead of  $1\frac{1}{2}d.$  per lb., could afford to give the grower  $2\frac{1}{2}d.$  per lb. to induce him to grow a superior article equal to American. Add to this carriage  $\frac{1}{2}d.$  per lb., and the total cost would be  $2\frac{3}{4}d.$  per lb. as against  $3\frac{1}{2}d.$  per lb. for American cotton. The opening out of the Godavery, therefore, would enable the Indian successfully to compete with the American grower. Then with regard to English agents establishing themselves in India, it was folly to

expect that agencies would be established in the country so long as the only mode of travelling was in palanquins carried on men's shoulders, and produce carried on the backs of bullocks; but the moment there was a prospect of river communication there would be agencies established in Berar. Indeed, he had repeatedly had applications made to him, knowing that he took some interest in the question, from persons who were desirous of ascertaining when the Godavery would be opened. Indeed, a company had actually been formed for growing cotton in that part of India. Why, then, was not this river opened? The Marquess of Dalhousie recommended it; the East India Company had ordered the works to be commenced years ago; he believed that every manufacturing town in Lancashire had petitioned the House in favour of it; and deputations without end had waited on the Secretary of State for India. Last year he himself accompanied about half a dozen; but it was very unfortunate that the right hon. Gentleman did not take the same broad and enlightened view of the importance of opening this river that the Marquess of Dalhousie had done. It was to be feared that the right hon. Gentleman looked upon this as merely a Lancashire crotchet, which was pressed by a few importunate and troublesome individuals. But if the right hon. Gentleman desired authority, he would refer him to the very able report of Colonel Baird Smith—and he was a great authority. He stated that "the single limit to the growth of produce and the sale of our manufactures in India is the extent of roads and of river navigation." There were, to the everlasting disgrace of the Government, few roads in India, and scarcely a navigable river, and their limited extent had arisen from the practice of the East India Company, of carrying on public works only out of surplus revenue. They had always waited till they had a surplus revenue, a rare occurrence, before they finished any public work. There were works now in India, to an enormous extent, begun but not finished. The Ganges canal, for instance—a work of which they used to hear a great deal of boasting in that House—was not yet finished. Two years ago, because a few thousand pounds were not judiciously expended on the Ganges, there was a famine in India, and the loss to the Government from that famine would have paid ten times over for the outlay that was re-

quisite to finish that work. That—he was going to call it stupid—system of the East India Company of putting works off till they had a surplus revenue caused them to cost three or four times as much as they otherwise would. But what was most surprising was, that in that enlightened age—in the nineteenth century—the right hon. Gentleman defended this system as the perfection of human wisdom. A deputation waited upon him two years ago, pressing him to borrow £300,000 for the opening of the Godavery. He was borrowing £5,000,000 or £6,000,000 for railways; but he appeared to think that the borrowing of £300,000 additional for the opening of the river Godavery would upset his financial arrangements, and endanger the revenue of India. He would give the House an illustration how things were conducted in India. In 1858 there was a Committee of this House, before whom a very able man, Captain Haigh, was summoned. That gentleman had been sent by the Government to examine the Godavery, and he stated that there was no difficulty in making the river navigable. Before he left England to return to India, he addressed a very able letter to the right hon. Gentleman the Secretary of State for India, pressing upon him the importance of immediately proceeding with that great work. Captain Haigh solicited that he might be allowed to purchase £7,000 worth of tools whilst in England. That was in 1859. They were sent out to India; but when they got there, they were of no use, as he had no money to employ any one to use them. It was not until November of the following year, 1860, that the engineer received a communication that £30,000 was placed at his disposal to proceed with the work, and he forthwith proceeded to collect the necessary workmen to commence; but it was not easy in that district to procure the men qualified for the work, and he had to go 200 miles for some of them. At length, at considerable labour and expense he succeeded in collecting them together, and he had just begun the work, when he received a communication to inquire whether he had spent the £30,000 which had been granted to him, stating that it was only a grant for the financial year ending in April, and that all that was not expended was to be returned as a balance unexpended. He had expended in the five months about £7,000, and the remainder he had to restore; the consequence was that he was obliged to dismiss the men

he had with so much difficulty engaged. Earl Canning, who, he was bound to say, had taken great interest in the opening out the Godavery, no sooner heard that the work was suspended than he ordered another grant to be made. But when the engineer set out to engage fresh workmen, he found there was great unwillingness to enter upon works from which they might be dismissed at a moment's notice, and he could only obtain workmen by giving increased wages of twenty per cent. The Government, in his opinion, had taken upon itself a great responsibility in delaying these works, and he hoped at length it was in earnest in completing the undertaking without delay; but he very much feared they were about to make another mistake. There were three barriers of rocks obstructing the passage of the river, and the Government began by making wooden tramroads round these barriers with a view of taking down the cotton grown that year. But no cotton had been grown this year, for no one knew of the demand, and, even if they had done so, the existence of these tramroads would cause the cotton to be loaded and unloaded fourteen times, instead of twice, as would be the case when the river was opened. The proper way would be to set at once about making canals round the rocks. It was proposed to construct reservoirs to assist the navigation of the river, but these works, which would be of a very expensive character, were not at all needed. It was not requisite that the Godavery should be open for navigation the whole year. The Mississippi was only navigable about seven months, the Ohio river and the great New York canal, the largest in the world, about the same period, which was sufficient for trading purposes. Therefore he hoped, that if the Government were in earnest about the work, they would in the first instance proceed with the greatest speed, and not wait till they had expended a large sum of money in reservoirs. If grants were only made at the rate of £30,000 annually, it would take fifteen to twenty years to complete the work of opening the river; but what was wanted was an instant supply of cotton, and for that purpose the undertaking ought to be completed in three years. That could only be done by placing such sums at the disposal of the engineer as would enable the work to be carried on simultaneously at every point. The House ought to be told whether the enterprise was to be paid for out of surplus revenue

or not. To his great surprise he learnt on the previous day that there was no surplus, that Mr. Laing had miscalculated, and that there was a deficit of £400,000. The right hon. Gentleman was strangely afraid to borrow money for reproductive public works; but that was the only legitimate way of executing them. He would state what course had been pursued by another Government in a case similar to that of the Godavery. There happened to be a barrier of rocks in the Ohio river similar to those in the Godavery, and the Government of the State of Ohio borrowed money for the purpose of opening up the navigation. They imposed a small toll on vessels passing through the canal, and that was sufficient in twelve years to pay off the amount borrowed with the interest. The right hon. Gentleman could do the same if he would. There were thousands of works in India which would pay from fifty to 100 per cent profit, and yet the Government was afraid to borrow the money to make them with, although, in a few years, the profits would redeem the cost. If Captain Haigh's report had been acted upon, and the right hon. Gentleman had proceeded with the works for opening the Godavery, what would have been the consequence? Why, they would have had English agents going up to establish themselves in Berar, and thousands of bales of cotton would have been coming down to supply their manufacturers in this time of need. Contrast the conduct of the American Government with that of our Government. The Mississippi, like the Godavery, fifty years ago was unnavigable; it was impeded by sandbanks and snags, the accumulation of ages. The American Government cleared the river out, and what was the consequence? That the country on its banks had been converted into a fertile district; that a city, with a population of 150,000 persons, New Orleans, had sprung up out of a swamp; another city of 100,000 inhabitants had been built on its banks, besides many smaller cities with several thousand inhabitants each. If the Mississippi had been under the Indian Government, the site of New Orleans would have remained a swamp to that day. So the New York and Erie Canal, which cost 30,000,000 dollars, was made by that State without spending a farthing; they merely used their credit, and the tolls not only covered the working expenses, but left a large balance towards a sinking fund, which had extinguished a consider-

able portion of the debt. He had endeavoured to show the House—and he feared it would think him prolix—that the great obstacle to growing cotton in India was the want of cheap conveyance. The expense of conveying food from one province to another was four or five times its value. The consequence was that the ryot was obliged to grow his own food. It might happen that one place was better fitted for growing cotton, and another for growing food; and if there were facilities for taking produce from one place to another, he would grow that which was most profitable, and would often grow cotton where now he was obliged to grow food. Then he had endeavoured to show that without English supervision and capital, cotton could not be grown with advantage. Until they had English capital employed, they could not compete with America, and their trade with India must therefore continue to be an occasional trade. But if the River Godaverry were rendered navigable, and roads and rivers opened out all over the country, English agencies would be established, and improved cotton would take its stand in India with improved indigo, and improved sugar, and other products. They might be told that these rivers were not necessary, and that Government was doing a great deal in promoting the construction of railways. He did not wish to say much about Indian railways. He was afraid they were more for purposes of defence than for purposes of commerce, and he very much feared that many of them would not be very profitable. Of rivers there could be no doubt. He believed there was no instance in history of the opening up of a large river which had not been productive of great wealth to a country. There was another objection to railways, that railway communication was necessarily more limited than water conveyance; and especially as many of the railways in India were only single lines, they were very inadequate for bringing down large quantities of raw produce. If New Orleans and New York had no other mode of conveyance than that afforded by railways, they must have shut up their ports before this. The supply of cotton, he need not say, was not a mere Lancashire question—it was a question of great national importance. When they considered that the number of persons dependent on the cotton manufacture was equal to the population of Belgium, and larger than that of Portugal or Holland, the importance of the question would be

manifest to the House, and the Government that failed in our present exigencies to give every possible aid to obtain new sources of supply, incurred a fearful responsibility. He should like to know what course the Government intended to pursue under existing circumstances regarding the promotion of the growth of cotton in India, what encouragement the right hon. Gentleman could offer in reference to English agencies. There was ample scope for European enterprise and profit as soon as the rivers and roads were open, and he had no doubt, whatever, that the moment that Englishmen had the same facilities of trade and travel in India which they would have in America, the profits from the cultivation of cotton would be found to be so great that the difficulty would be to keep them out of India, and the only way to keep them out was to keep the rivers closed.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, a Copy of further Correspondence relating to the improvement of the navigation of the River Godavery,"

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. SMOLLETT said, that past experience had fully shown that the Southern States of America were the regions of the world best suited for the growth of the finest and cheapest cotton in the world, and in any quantity. The occurrence of the civil war in America had, during the last twelve months, put a stop to the supplies; but he was convinced, that if order could be re-established and peace be restored, this country would in the course of a short time derive a great portion of its cotton supplies from the Southern States of America. India, however, would still be a valuable auxiliary, and as such it was important to discover the obstacles which impeded the growth of cotton there. He was not prepared to admit that there was any necessity for the Indian Government giving any direct encouragement to the growth of cotton in India. But if there was any obstacle either to the growth of cotton or to its shipment when grown, these obstacles ought to be removed.

The great obstacle to the growth of cotton in India was the want of a permanent tenure of land in that country. That impediment not only prevented cotton from being grown well, but obstructed the material interests of the country. He adhered to the opinion which he had expressed in a former debate on the subject, that the alleged boon of waste lands in fee simple lately given to Europeans was neither more nor less than a mockery and a delusion. A permanent settlement of the soil on the principle of the Cornwallis settlement in Bengal was the one thing needed in India. He had often heard it remarked, both in and out of the House, that Manchester said a great deal, but did little. Manchester was frequently taunted in this way. It was said, "Why don't you go to India yourselves? or, why don't you send persons to India to get cotton, when it can be obtained there in any quantity?" Now, he did not think the Manchester people exposed themselves to these taunts. The hon. and gallant Member for Aberdeen (Colonel Sykes) was constantly taunting his Friends around him in this way—"Why don't you do for cotton what others have done for indigo?" The hon. Member had mentioned persons who went out without money—mere adventurers—who were then superintending indigo plantations which extended over many square miles, and contained enormous populations; and he said, "Why don't you do for cotton what these gentlemen have done for indigo, both in its growth and in its improvement?" That was, no doubt, a specious and plausible argument; but it was entirely fallacious. His answer was this—that in the indigo-producing districts in India there was a permanent settlement of the land. In the settled provinces of Bengal, an English gentleman could hold land in any quantity, either as proprietor, or as copyholder under the proprietor; and what he complained of was, that no such system prevailed in the cotton-growing districts. In Dharwar, Surat, and other districts where cotton was largely produced, the Government was the sole owner of the soil, and no European could obtain land whereon to grow cotton on any terms whatever. That was his grievance. The Government had a monopoly of the soil, and his advice was, that the monopoly should be wrested from them. To obtain a permanent settlement of the soil on the Cornwallis principle was a necessity for India. If that was given, no interference

ought to take place between the proprietor either as to what he sought to grow, or the tenant as to what he should produce. He ought to be allowed to produce either cotton, silk, or indigo, or what he pleased, and then he would have nothing to fear. Having laid down these general principles, he would next call the attention of the House to the opening of the Godavery River. Those were not the best—or, at any rate, not the most judicious—friends of India who were constantly urging on the Government, in a time of embarrassment, to engage in large works, which, it was said, would be productive; but which, in his opinion, would be productive of nothing but great embarrassment and disappointment. It would not be out of place to inquire, how did the Godavery scheme originate? Was it taken up by the Government after due inquiry into the merits of the plan? Did the British officers in charge of our interests at Hyderabad or Nagpore press upon the Government the opening up of that new work? Nothing of the sort occurred. The scheme emanated from the brain of an enthusiastic engineer—an officer of the Madras Engineers—now Sir Arthur Cotton. That gentleman had kept his plans dangling before the public in the most pertinacious way. He was an officer of immense zeal, but possessed very little discretion. His plans and estimates were less reliable than those of any engineer on the face of the globe, and that was saying a great deal. That officer, by dint of perseverance, and by means of his satellite, Captain Haig, had persistently kept his scheme before the Madras Government, and had, to a considerable extent, coerced them into approval of plans which they highly disapproved. In the same way when the matter flagged in India a pressure was brought to bear in that House upon the Secretary of State for India, and hon. Gentlemen wished "to concuse" him into support of a scheme which would be attended with vast expense, and which most experienced men in India entirely disapproved. What was the river Godavery? It took its rise near Poonah, and, flowing in an easterly, and then a south-easterly direction, cast its waters into the Bay of Bengal. From the earliest times in the history of India that river had never been used for purposes of commerce. Timber had very rarely been floated down the river Godavery to the sea, and for the very sufficient reason that the valuable teak

forests, of which so much had been said, did not exist on the banks of that river. It would be time enough to lay out a great sum of money on the river when these forests had been discovered. The engineers declared that the Godaverry could be opened up for a small sum for four hundred or five hundred miles, and for a space of eight or nine months in the year. He disbelieved all these statements, and he would tell the House why. It was within his own knowledge that in 1853 a small Government steamer, the *Pottinger*, sailed up the river in June. She started when the first freshes of the year came down, and steamed from three hundred to three hundred and fifty miles into the interior of India. In the middle of July the *Pottinger* went aground; and although the freshes were then at the highest, she lay high and dry for twenty or twenty-five days, without a drop of water under her. If that could happen in the month of July, what possible ground was there for supposing that when the monsoon ceased the river would be open for navigation for three or four months in the year? The Government had made no inquiries on that subject, but had received the statements of those enthusiastic engineers for gospel. If they had sent competent and unbiased persons to take the depth of the river, and the rise and fall of the water, they might have ascertained these all-important facts. Supposing, however, that the Godaverry was opened for navigation during eight months in the year, who was to navigate it? He believed that no sane man would think of running steamboats for passenger or goods traffic at his own risk. People talked of the millions and millions worth of produce which would ascend and descend the river; but that produce only existed in their imagination. The supporters of the scheme pointed to the profit of two steamboat companies on the Ganges, which they said divided 50 and 60 per cent, and which dividends would be exceeded by those made on the Godaverry. He knew something of both those Ganges navigation companies. They were established about the year 1840, and he would assert that they had been eminently unsuccessful, and that the shareholders had lost the greater part of their capital. He was aware that during the insurrection in the Upper Provinces in 1858-9 the Government hired all their vessels at fabulous freights, whereby the companies were enabled to make considerable profits. On

the whole, however, these companies had been unsuccessful; but, if they had been as profitable as the Madras engineers pretended, what comparison was there between the Ganges and the Godaverry? The Ganges ran through the most fertile provinces in India; had been the channel of trade for countless ages; and had upon its banks capital cities inferior to none of the towns of continental Europe—Benares and Allahabad, and other capital cities of 200,000 and 300,000 inhabitants. But from the Rajamundry district to the confluence of streams at Wurdah there was not only not a single city, but not a town or a village of any size on the whole of the banks of the Godaverry? The country was entirely desert. It was the most unhealthy district in India, and it was inhabited by tribes who practised the rites of human sacrifice. It had been proposed to transport 5,000 coolies from the state of Travancore, to work at the barriers. Now, a more mad proposition never emanated from the brain of any human engineer, and the Government did not approve of it. He firmly believed that every one of these coolies, if they had been brought, would have died from the unhealthiness of the locality. Then it was said that to improve the navigation of the Godaverry would be to open up the fertile valley of Nagpore. But Nagpore was, on the contrary, a sterile country. Under the dynasty lately supplanted by the Marquess of Dalhousie the income of that country, including its land rent, did not exceed £400,000 a year. Under the Commissioners of the Indian Government he did not believe the revenue exceeded £350,000, while its expenditure, including the cost of its military occupation, was not much less than £500,000. Since there was no prospect of any private person running steamers at his own risk, the Government, if the works were executed, would be compelled to keep up a flotilla, and to force a traffic that did not now exist, and that source of expense would go on for twenty-five years at least. He was not the only person who thought that the Godaverry was not a well-considered scheme. The first letter in the despatches recently laid before Parliament was one from the Secretary of State for India to the Governor General, dated January 26th, 1860. In the eleventh paragraph of the letter it would be seen that the British resident at Hyderabad, Colonel Davidson, was of opinion that the scheme was neither feasible nor advisable.

*Mr. Smollett*

Some papers were sent to him for his opinion, and that was the conclusion to which he came. But what was the treatment he received? Colonel Davidson was an officer occupying a high official position, and no man was more capable of giving an opinion on the point at issue. The Secretary of State thus wrote to the Indian Government—

"I observe by his letter to your Government of the 30th of April, 1857, that Colonel Davidson, the Resident at Hyderabad, expresses opinions on the feasibility and advisability of the opening-up of the Godavery adverse to those held by the Madras Government and the engineer officers who have examined the river; and I deem it necessary to request you to intimate to that officer, that though his views may not accord with those that have been put forward by the advocates of the project, I must expect his ready and full co-operation, in bringing the matter to a successful issue."

In other words, Colonel Davidson was told to hold his tongue. He might be asked what he himself would do. He thought it would be very advisable, before any other expenses were incurred in opening up the navigation of the Godavery, to issue a commission in India with instructions to examine the question in all its bearings, and in a comprehensive manner. Such a commission ought to be composed of disinterested persons, and the engineers who had before been employed on the scheme ought, therefore, to be excluded from it. The expense of removing the barriers must not be alone taken into account, but the inquiry should be made whether there was any likelihood of any large traffic on the river. The expense of the Government flotilla must be ascertained and determined. Then roads and railroads must be made at particular points in the river, and all these expenses should be well considered before the Government embarked in such a scheme. Another element worthy of consideration was that the Government of India had largely embarked in railway undertakings. No one believed that the Great Indian Peninsula Company would pay the amount of interest guaranteed unless the traffic was brought over their line to Bombay. The great advocate of opening up the Godavery was Colonel Cotton, and he was an enemy to all railways. Colonel Cotton insisted that water was the only solvent, and water was his Daffy's elixir. But, if the traffic was diverted from the railways, where was the money to come from to pay the guaranteed interest of 5 per cent on some £30,000,000? He thought the Government of Madras

might well be intrusted with the appointment of a commission. Sir William Denison was himself a distinguished officer of Engineers, and he had a well-founded distrust of the whole clique of engineers who, for the last ten years, had ridden rough-shod over the Madras Presidency. Sir William Denison was no popularity-hunter, and did not write claptrap Minutes with a view to obtain political capital in England, or send them to the newspapers without showing them to the Members of his own Government. He did not expect that the right hon. Baronet would adopt his suggestion as to the appointment of a Commission, but he was firmly convinced that the money expended in opening navigation in that fragmentary manner would be money thrown away, and that, if they went on as they had gone on for ten years past, the end, if not disaster, must be disappointment.

MR. J. A. TURNER said, he should leave the hon. Member for Dumbartonshire (Mr. Smollett) and the hon. Member for Stockport (Mr. J. B. Smith) to settle their difference about the fertility or sterility of the districts bordering the Godavery. The one question to which he wished to address himself was the awful—he would use no other word—position in which this country was placed by the prospect of an utter cessation in the supply of cotton. Whether the Godavery was navigable or not, and whether the district through which it flowed produced cotton or not, need not be discussed. It was an ascertained fact that India in some parts did produce cotton to a larger amount than even the United States of America. It was certainly cotton of an inferior quality; but the object was to secure a supply of that article from India, and, if possible, of a better quality. His hon. Friend (Mr. J. B. Smith) had referred to some experiments he (Mr. Turner) had made; but his hon. Friend was not quite correct as to the person of whom he purchased cotton grown in India a few years ago. He did not buy it of Mr. Shaw. He bought it in India itself from an American planter employed there by the East India Company. In July, 1847, he sent an order to Mr. Mercer, the superintendent of the cultivation of cotton in the Dharwar, to send him a quantity of the best cotton from American seed which he could procure in the district, and also some native cotton. The two lots cost precisely the same price, and were landed

in Liverpool at a cost of 3*4d.* per lb. Mr. Mercer was on his way to America to recruit his health, and arrived in Manchester on the very day that the cotton arrived there. During his visit he had the cotton passed through all the processes of a cotton mill, and at the same time, as nearly as possible, a similar quantity of cotton grown in America. The result was, that 50 lb. of the sawgin cleaned native cotton grown in the Dharwar from American seed produced in yarn 42 lb. 8 oz., being a loss of exactly 15 per cent. The same quantity of ordinary New Orleans cotton produced in yarn 41 lb. 4 oz., being a loss of 17*½* per cent. Consequently, there was a decided advantage in the American seed cotton grown in India. Mr. Mercer was cross-examined at the rooms of the Commercial Association; and although he was a little prejudiced in favour of American cotton, and wished to impress them with the opinion that India never would produce any great quantity, he admitted facts which controverted his own opinion; for he stated that that particular cotton was grown in the Dharwar by the natives, cleaned by the natives, and everything conducted, under some little guidance, by the ryots themselves, and that there was a district suitable for its growth of 300 miles by 80 miles, or large enough to grow nearly all the cotton which England required. The East India Company did not follow up those results. He believed that the present Government were doing what they could in many districts to develop that important trade; and he believed further, that if communications were made and facilities offered by advances to the ryots, instead of leaving them to the tender mercies of extortionate native agents and bankers, they would obtain a good supply of very useful cotton, equal to that which they had been in the habit of getting from America. They, by no means, wished that India should have a monopoly in the supply of cotton. It was said that when the dispute was settled they would go back to America for their supply, and that the natives of India would not grow cotton for an uncertain market. But his remedy was to induce the natives to sow proper seed, to have proper superintendence, and to raise cotton almost equal to that of America; and then, although they would not supersede American cotton, they would have the means of avoiding such a disaster as had occurred. What was to be done with the population

of this country if they did not get a supply from India? It was his firm belief that years must elapse before they would have such crops in America as in former years. They must look to India to correct that evil and supplement the supply from America, and by so doing they would benefit both India and England, because the raw material from India would be paid for by manufactured goods from England, if the right hon. Gentleman only abolished those odious duties which were intended as a protection to Indian manufacturers, and were really a grievous burden upon the manufacturers of this country. He accompanied a deputation some time ago to the noble Lord at the head of the Government and the right hon. Baronet the Member for Halifax, and he told them, that if these things were not attended to, they would have more noisy deputations—men from Lancashire clamouring for food. His words were incorrect. He accompanied a deputation to the right hon. Baronet yesterday. They were as respectable, as honest, and as quiet a body of men as ever waited upon a Minister. They did not clamour for food. They argued the question mildly and sensibly, with tears in their eyes when they thought of their starving families at home, for they were really operatives; and if the right hon. Baronet did not feel his heart moved when he listened to them, no words of his could produce the least effect. He implored the Government to direct their best attention and efforts to the subject. If not attended to, it was one which would press grievously upon the attention of every department, for it was impossible that peace and tranquillity could be preserved through another winter, as, by great exertions, peace was preserved through the last winter, if some assistance were not rendered to obtain the means of employing the people in the staple manufacture of this country.

SIR CHARLES WOOD: I quite concur with those who think that it is impossible at any time to overrate the importance of this subject, both to England and to India; and certainly the existence of what has been not inaptly called the cotton famine—the want of materials, and the consequent want of employment, for the population of Lancashire—now makes this subject one of ten times greater importance than ever. As my hon. Friend has stated, I had yesterday the honour of receiving a deputation of working men from Lancashire. Better-behaved and more reason-

able men I never had the pleasure of meeting ; and remembering, as I do of old, the artisans of the West Riding, though not of Lancashire, it is most gratifying to see the increased intelligence of the working classes now, as compared with what it was some years ago, when my hon. Friend's anticipations might have been realized, and clamour might have been used instead of reason and argument. Certainly, unfortunate and uncontrollable as are the circumstances which have led to the present dearth of materials and of employment, the labouring population of Lancashire are entitled not only to our sympathy but to our admiration, for their conduct throughout this period of distress, and are entitled, moreover, to whatever we can do in mitigation of their sufferings. With regard to the question of cotton cultivation in India—though full allowance, perhaps, has hardly been made for the difficulties of the Government, and full justice has hardly been done to them—I am far from complaining of my hon. Friend for bringing forward this Motion. I am, indeed, grateful to him for doing so, and gladly acknowledge the persevering energy with which he and another hon. Friend of mine, the Member for Birmingham, have always pressed the subject upon the House, and the credit which is due to their exertions. My hon. Friend, however, has not quite considered either the state of Indian finances in late years, or what has been done by the Indian Government. He certainly alluded cursorily to the interruptions which the mutiny caused to the development of the resources of India. But he does not allow sufficient force to the fact that this calamity turned the energies of everybody to the maintenance of our empire there, and that, instead of borrowing money for public improvements, we were obliged to borrow to secure our very existence in India. In those three or four years of trial we borrowed between £40,000,000 and £50,000,000. Since then I am happy to say that a great reduction of expenditure has taken place ; and though the surplus with the hope of which we were flattered turns out to be no surplus at all, the financial condition of India is now greatly improved. Thus, in 1859, there was a deficit of £13,500,000. Next year the deficit amounted to more than £10,000,000. In the year ending 1861 there was, by the last accounts received, a deficit of £4,000,000. The Estimate for 1862 shows a probable deficit of £600,000 ; and for 1863, instead

of the promised surplus of £400,000 or £500,000, the Estimate is a deficit of £250,000. Now, in the present state of Indian finance, I do not think it wise or politic to borrow largely for public works and reimpose taxes to pay the interest on these loans. But from what has been said it might be supposed that we were not spending money upon public works, and were not borrowing for the purpose. A portion of the expenditure is, no doubt, taken from revenue, but the money spent on railways is substantially borrowed by the Government. We guarantee the interest. If the railways succeed, we may be repaid the greater portion of what is advanced; but if they do not succeed, the whole loss falls upon the Government. I say therefore that substantially we borrow through the agency of the railway companies, for the whole responsibility and chance of loss rest with the Government. During the last five years we have spent upwards of £4,000,000 per annum upon public works, and upwards of £7,000,000 per annum upon railways, so that between £11,000,000 and £12,000,000 a year has been spent upon public works of one kind or other during this period. See what proportion that bears to the revenue of the country. The net revenue of India in 1861 was £35,000,000, and the expenditure on public works was therefore about one-third of our net revenue. Sometimes the Indian Government are spoken of as the great landlords of that country. Well, the land revenue of India is £18,000,000 a year, and we spend £11,000,000 or £12,000,000 upon public works. Such a proportion of expenditure and rental will not, I think, contrast badly with the expenditure of private landlords upon their property; nor, with these figures, can the Government of India be justly reproached for their neglect of public works upon a large scale. I merely make this general statement to show the mistake of supposing that the Indian Government are indifferent to these matters, or do not spend largely upon public works. But I am still more anxious to refer to what has been done to increase the supply of cotton. The Indian Government have not been unmindful of the approaching danger. Early in 1861 they called the attention of Indian officers to the necessity of taking every measure in their power for promoting the cultivation of cotton and bringing it down to the coast at an early period. The Government also caused to be collected and

published a mass of information never afforded before, comprising a report from each Presidency, and giving very full authentic and useful statements respecting the growth of cotton, what has been done, what may be done, what the Government may do, and what must be done by private enterprise. I will not now enter into the great question of the tenure of land, but will only say that it does not apply to the present emergency. What the Indian Government wished was to bring down the greatest quantity of cotton to the ports as soon as possible, trying as far as possible to meet the present demand for materials; and the land tenure question could have little immediate influence in promoting this object. Nor will I now enter into the question of the cultivation by the ryots. A rather unfavourable description has been given of the ryots, but in the *Edinburgh Review* there is an article written by a gentleman well acquainted with the subject, who says that the ryot is by no means a contemptible cultivator; that many of their implements, though rude, are well adapted to the country in which they are used; that the ryots understand the rotation of crops and manuring which suits their own soil, and that some of their implements seem to be models from which those used in this country were taken. What we want is to get as much cotton grown as possible and as soon. My hon. Friend says that the Indian mind does not suppose that cotton can be well produced in India. I have always been of opinion, and so has the Government of India, that as in the case of sugar, indigo, and silk, so an ample supply of cotton could be obtained from India if the ryots could only be assured of a remunerative price and a permanent demand. All the evidence tends exactly to the same point, not only from the officers of the Government, but within the last few days I have been in communication with a large number of manufacturers of this country, and they appear to entertain the same views. One of the largest manufacturers said only yesterday, "If we had only done three years ago what we are doing now, I believe we should not have been so short of cotton as we are at present." This certainly is my own opinion, and I am glad to find that those immediately interested have now adopted this view, and that the offer of adequate inducement to the ryot is the best mode of obtaining a satisfactory supply of cotton. The hon.

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Member for Stockport has very justly given the old Indian Government credit for introducing an improved cotton culture into India. They did a good deal, and they expended some £200,000 in doing it. They introduced foreign seed, established model farms, provided improved machines for cleaning and packing cotton, and for fourteen years took active measures for encouraging the cultivation of cotton by the ryots. The Indian Government had done all that could be expected from them, and then they left private enterprise to offer the necessary inducements to the ryots to grow cotton upon a large scale. My hon. Friend has referred to the inferior quality of the cotton grown in some districts, but I believe that the purchasers of cotton in India are the persons mainly responsible for the bad quality of that staple. They contract for a certain weight of cotton, and do not trouble themselves about the quality, and I have had complaints from persons who have taken pains to clean their cotton that their money has been thrown away, because they could get no better price for good and clean cotton than they could for the dirtiest and the worst kinds. I saw it stated in a Bombay paper that in Berar the ryots, even now, were ignorant of the great want of cotton that exists in this country. The native intermediate men do not feel inclined to give that information, and therefore I am afraid that from that quarter at present we cannot expect any increased supply of cotton. I am satisfied, however, that all that is wanted to secure a good supply of cotton is to insure a fair price and a permanent demand. The collector in Madras, in a late report, says—

"I am convinced from my own experience that if a remunerative price is tendered on the spot, anything may be grown, although the existence of the most profitable market, if it is not close at hand, seems to offer no inducement to the ryot to depart from his usual custom."

That opinion is universal, and I am glad to find that those interested in the production of cotton are about to avail themselves of the facilities for sending out agents to India who may be brought into communication with the ryots, and by the distribution of American seeds and improved implements, but above all, by undertaking to buy their produce at a fixed price if equal to sample, may induce them to grow larger and better crops. The Indian Government came to the conclusion years ago; for as far back as 1848 it was stated

in a despatch from the Home Government of India that no satisfactory and permanent cultivation of American cotton could be obtained until the persons most interested in the cultivation took the matter into their own hands and established competent agents in the various districts. That view is now taken by my hon. Friend and great leading manufacturers, and I think that there can be no doubt if they had acted upon the opinion expressed by the Indian Government twelve or fourteen years ago, the supply of cotton from that country would have been much larger than it is at present. I do not, however, impute any blame to them, because it was not natural that they should go out of their way to create a new source of supply when they had a sufficient supply of the sorts most fitted for their use; but their present views justify the opinions of the Indian Government expressed so many years back. I believe those interested are taking measures to develope the cotton resources of India, and I can only say that the Government will readily afford them every facility in its power. The Government cannot do much directly in this respect, but a great deal may be done indirectly in giving support and encouragement to those persons who are sent out to supply seed and to purchase the cotton from the natives on the spot. I should observe that the most effective measures were taken by the Government of India, and a considerable sum was expended in improving the roads by which the cotton was to be brought down from the interior. It is hardly appreciated here how difficult it is to make roads in India, and especially in those districts where cotton is most grown. In Goojerat we are told by Mr. Cassells "that the nature of the soil and the absence of material for metalling render the construction of roads not only laborious, but seriously costly. The revenue of the Presidency might be sunk on the province without completing the work." In those districts there are miles of country without a stone to be found. I will now refer to the different parts of India, from which there are the best prospects of obtaining cotton. Mr. Saunders, speaking of the North Western Provinces, says—

"Thirty, forty, and fifty years ago there was a considerable trade in cotton, and it was largely exported to China and England. The merchants and planters in the North West had cotton factories and cotton screws at Futtehghur, Calpee, and Mirzapore, but the trade gradually died away.

The exporters were unable to compete with the cotton-grower in the Southern States of America. That which alone would have given life and vigour to the trade was wanting—namely, a demand from beyond the sea. When a real demand comes from England, a large and immediate supply could be sent from these provinces. It is not probable that Europeans settled in the country, remembering past disasters, will take the initiative in a trade requiring an outlay of capital for building and machinery, until the American question is settled and a real and prospectively permanent demand is secured to them."

My hon. Friend has spoken as though the Godaverry was the only river of India, but the districts of which Mr. Saunders is here speaking are districts bordering on the Ganges, and thus it is not the want of a great line of water communication, but of a real and effective demand, which is the cause of an insufficient supply. The East India railroad will probably be opened by the end of the year, and then there will be communication both by river and railroad to this cotton field. With regard to the presidency of Madras, the roads there have always been in a fair state, and, with the Madras railway completed, there is railroad communication with the two opposite sides of the peninsula. It passes close to Coimbatore and Lahore, the chief places of the cotton fields. It was from Coimbatore that my hon. Friend told us last year that some remarkably fine cotton had been sent by sea to Calcutta. If to Calcutta, why not to England? A further expenditure has been ordered on the roads; and although I do not say that more might not be done by the Government, still it must be left to private enterprise to obtain from the ryot in Madras the supply of cotton that may be required. In the upper part of the Bombay presidency there is considerable difficulty in the construction of roads. There, again, a railway is being carried through the cotton district from Bombay to Baroda, a great part of which may be opened by the end of the present year. The hon. Member has referred to Dharwar, where, no doubt, the introduction of American cotton has succeeded better than in other districts. I believe that Dharwar has an advantage in this respect which is not sufficiently appreciated in these discussions—namely, that its climate is better suited for the production of cotton than any other part of India. I admit that what is wanted there is the means of bringing the crop through the Ghauts to the place of shipment, and measures have been taken by the Government for supplying that want. The last report we have had from Bombay

on that subject states that early in April the Kyga Ghaut had been completed to a width of twelve feet ; that the nine miles of road between the foot of it had been sufficiently cleared to permit carts to pass ; and that several carts from the Dharwar districts did descend the Ghaut, reaching Mullapoor without difficulty, and returned laden. So much has already been done that a quantity of cotton may be brought down that Ghaut in the course of next year. On the Abyle Ghaut line a company of Sappers and Miners, together with all the labour procurable, had been employed since the middle of February ; and by a recent official report we learn that the road was opened for traffic to the village of Konay, in the Sedashevaghur Bay, within half a mile of Beithal, on the 14th ult., and that on that day the executive engineer's office and establishment reached Konay from the Abyle Ghaut in carts without the slightest difficulty. The greater part of my hon. Friend's speech referred to his favourite river, the Godavery, which is, no doubt, a great line of communication with an extensive cotton district. He says that I would not borrow £300,000 for the opening up of that river. Now, if the expenditure of that sum would effect the object in view, I should not have had any difficulty in providing the necessary funds. But, as we have been told, many Indian engineers are sanguine men, who come forward with very tempting estimates, which are sometimes found to be very inadequate for their purpose. It is therefore necessary to use a little caution in these matters. I have always been of opinion that it is desirable to open up the Godavery, although I do not anticipate the wonderful effects from it which the hon. Member for Stockport appears to do. I thought that, looking to the difficulties which might arise, from having to deal with the Nizam's Government, it would be better that the work should be carried out by the Government. But the Government of Madras having recommended that it should be intrusted to private enterprise, I consented about a year ago to the members of a provisional company undertaking it. I found, however, that those gentlemen were not quite so sanguine when they were to spend their own money, and they declined even the enormous prospective interest which my hon. Friend anticipates from such an investment. Therefore, do not let my hon. Friend imagine that his calculations of the cheapness

of the work and its great profitableness are unquestionable, and that it is only an obtuse Secretary of State who can doubt their accuracy for a moment. My hon. Friend, however, may depend upon it that the Godavery will and shall be opened ; and, more than that, that everything has been done that can be done for opening it. Captain Haig has only been stopped by circumstances over which we had no control—namely, the fever which has reduced his effective staff of workpeople, and the refusal of the Nizam to allow several artificers whom he had engaged to come from Hyderabad ; and, also, the want of timber. The Madras Government has, I think, taken the wisest course it could take—namely, to do what was in its power to meet the pressing demands of this year's crop ; and it has made arrangements for bringing down, and also for taking up, one thousand tons at one-third of a penny per lb. in the present year. Government boats will be placed on the river for the purpose, and no doubt we shall lose money by it ; but the urgency of the case is so great that I cannot refuse, for the sake of a small outlay of public money, to consent to the establishment of this means of communication. Beyond this, the Great Indian Peninsula Railway will penetrate the whole of these cotton districts. I hope a considerable part of the line will be finished by the end of the year, but it is difficult to answer for the completion of such large works. The last report states that they are being carried on with the greatest energy and rapidity, that there is plenty of money and plenty of labour. I trust that the works will be executed as fast as they properly can be ; and when that is done, there will be a railway on the one side, and the Godavery on the other. Upon the whole, I believe as much has been done, is in course of being done, and will be done, as is in our power for the purpose of facilitating the growth and transit of cotton in India. That much can be done in order to produce a great supply in the course of the present year, I am afraid I cannot hold out very sanguine hopes. Last year the stock of preceding years was swept away, and I fear the crop of this year is not so good as we could have wished. But I hope that in the next year or two the supply of cotton from India may be increased to a very considerable extent. I believe that both individuals and Government are alive to the necessity of doing all that in them lies for the attainment of this

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great national object. So far at least as Government is concerned, all that is in our power directly shall be done, in what is our more immediate province—the improvement of communication, and, indirectly, in facilitating and encouraging the natives and agents who are being sent into the country for the purposes of stimulating the culture and improving the machinery for the cleaning of cotton. By private enterprise and Government working together, all that is possible will be done in order to meet the emergency, and to meet the demands for cotton, and to mitigate, as far as possible, the distress which presses on our manufacturing districts, and which is undoubtedly of a very formidable character. With regard to the papers which have been moved for, there will be no objection to their production.

COLONEL WILSON PATTEN said, he had listened with great pleasure to the speech of his right hon. Friend. It was quite clear that the attention of the Government had been seriously directed to the Indian colonies with the view of increasing the supply of cotton, and he believed, with the measures which had been taken, there was a better prospect of supply from that district than they ever had before. He had accompanied a deputation yesterday to the India Board, with reference to the great distress which existed in the cotton manufactories in Lancashire; and the right hon. Gentleman did no more than justice to the operatives who composed that deputation when he said that they conducted their case with the greatest good sense and moderation, and urged their arguments with an ability which must have surprised any one who was not acquainted with the character of those whom he had the honour to represent. One of the arguments then used he had taken the liberty of urging on the attention of the right hon. Gentleman. He referred to the great importance of a very trifling percentage on the manufactures of this country, in the competition their manufacturers were obliged to maintain in the different markets of the world. It was stated that even 1 per cent would often turn the scale; and as the cotton manufactures of England had been subjected by the Government of India to the duty of 10 per cent, which he was grateful to think had been reduced to 5 per cent, he hoped the right hon. Gentleman would be enabled to reduce that percentage still lower. With a 10 per cent

protection, or even with a 5 per cent protection existing against us in their own colonies, they might be unable to compete with them. Having introduced the principle of free trade into this country, they could not find fault with any competition that could arise in India; but it would be most inconsistent if they should allow a duty for the protection of Indian native manufactures, to raise a competition against the English manufacturers, who had to contend with them on the principles of free trade. Above all things, he hoped that the Government would not allow it to be understood in India that these duties were likely to be continued as permanent duties.

MR. BAZLEY said, the object of his hon. Friend the Member for Stockport had his cordial approval, but he wished to correct one or two slight mistakes into which his hon. Friend had fallen. The Governor of Madras was not only convinced that cotton of the required quality could be grown in India, but he was engaged in giving every possible assistance to effect the required improvement. He was happy to state that only a few days before he had the satisfaction of receiving a letter from the Governor, dated the 24th of February, 1862, in which he said—

"I have arrived at the same conclusion as yourself, that the cotton you require in England, I mean cotton equal in quality to the average New Orleans, may be grown in Madras."

A more satisfactory declaration could not be made at the present conjuncture to the starving people engaged in the cotton industry of Lancashire. In reply to the deputation which yesterday waited on the Indian Minister, the right hon. Gentleman had expressed his willingness to give every possible facility to procure an increased supply of cotton from India. Similar facilities were promised by the Foreign Office. Nothing less than an abundant supply of the raw material would relieve that branch of industry which was so seriously imperilled. They were in an exceptional position, and the Government ought to give every facility for increasing the supply of the raw material from India. He could bear testimony to the great exertions made within the last two years in increasing the supplies of cotton from India. The consumption of Indian cotton in Lancashire and Lanarkshire during that time had increased five-fold. They ought to feel grateful that they had such a resource in their own great dependency, for it was lamentable

that they had relied so long upon the American supply. It was doubtful whether that supply would ever again be so large as it had hitherto been, and hence the importance of doing everything we could to increase the supply of Indian cotton. He was afraid the Indian Minister had not sufficiently realized the importance of reducing the cost of carriage in India. So long as more than 100 per cent upon the first value of the article was expended in merely sending it to the sea-board, they should experience great difficulty both in improving the quality and increasing the quantity. It was also to be regretted that considerable delay had taken place in giving effect to the Minute issued by the late Earl Canning with respect to the tenure of land in India. He had been recently assured that applicants for land adapted to the cultivation of cotton could obtain no satisfactory reply from the Indian Department. It was desirable on every account that the delay should not become a permanent one, for he knew there were capitalists in England who would be glad to invest in the cotton cultivation of India if the needful facilities were granted to them. So with respect to the introduction of an increased water supply to Madras. Water was the treasure of India if rightly stored and distributed, but he understood the Indian Department were raising difficulties of a trivial kind. He trusted the Indian Minister would attend to that matter also. He felt constrained to plead for the development of the resources of other British colonies. They had vast resources, not only in India, but likewise in Queensland, New South Wales, and the West Indies. The hon. Member for Salisbury had that evening placed in his hands beautiful sample of cotton grown in Queensland. In the great valley of the Murray they had a district inviting cultivation, and he believed it could alone supply more cotton than the whole world consumed at present. If by any means half a million of Chinese could be introduced into that country, he was persuaded that from that source alone they might obtain in a year or two all the cotton we required. The Governor of Queensland was making every possible effort to increase the supply of cotton. From him the agent of a Manchester company who had embarked in cotton cultivation in Queensland had received the most gratifying support. In a letter, dated Brisbane, April 12, the agent stated that the cotton grown in

Queensland, as far as quality was concerned, was pronounced by competent judges to be superior to anything ever seen in America, and that the yield was estimated at 400 lb. of clean cotton per acre. At the prices which usually prevailed in England the value of the produce, as thus estimated, was not less than £40 per acre; at the prices which now ruled it exceeded £70 per acre—the value of the freehold of some of the best land in this country. Truly, they had great resources in their colonies, but they required to be developed; and he was convinced that until Parliament gave encouragement to the cultivation of cotton in their possessions abroad, the distress which now existed in the north would increase in intensity, and would scarcely be borne with patience by those who were now suffering without complaint privations of an almost unexampled character. It rested with the Government to make efforts which could not fail to be attended with success. If the cotton industry of this country were altogether suppressed, the loss of revenue would exceed £20,000,000, and the continuation of the present distress for twelve months would result in a loss to the Exchequer of £10,000,000. They had every reason, therefore, to encourage the cultivation of cotton in India and elsewhere, assured that by such means they would not only protect the interests of the revenue, but likewise restore the prosperity and happiness of large masses of the people.

Mr. ARTHUR MILLS said, they had tolerably clear evidence that the Indian Government were thoroughly in earnest in doing all that could be done to facilitate the transport of cotton in India. He could not agree with the hon. Member for Dumbartonshire that India could not be regarded as more than an ancillary field for the production of cotton, and that they must always depend mainly upon the Southern States of America. He believed, on the contrary, that they must in future look to India and their other dependencies for the great bulk of our cotton supply; and he, for one, would not regard the civil war in America as an unmixed evil if it should lead to the development of the material resources of India. Nor could he concur in the sarcastic remarks of the hon. Member for Dumbartonshire relative to a late Governor of Madras. Sir Charles Trevelyan had proved himself in the long run no bad prophet in matters of finance, and

it would have been well for India if his views had prevailed and been acted upon long ago. Many of the financial projects brought forward by others had yielded very small results, and it was now admitted on all sides that success was to be achieved in India not by increased taxation or by the application of European modes, but by reduction of expenditure.

MR. FINLAY said, that a more important subject than that under discussion could not occupy the attention of the House. He had himself attempted to improve and extend the cultivation of cotton in India; but he had always found that, even where the best seed was used, the crop deteriorated in quality after the first year or two, a result which one might except from the nature of the soil and climate. He did not think, therefore, that Indian cotton would ever equal that grown in America. Still the quality might be very much improved, so as to render the cotton of a useful character. It would be necessary, however, to act directly with the ryots. They were so poor that they could not cultivate until they got advances to buy seed; but those advances would be made if some security were given to purchasers over the growing crop; and some law should be passed in India for that purpose. He thought that many hon. Members were too sanguine in expecting a large increase of Indian cotton within the next two or three years. The improvement and the extension of cultivation in any country were slow processes, and he confessed that he did not see where supplies were to be got from unless from America. With respect to the means of communication, he suggested that in districts where regular roads could not be made for want of stones and other materials, tramways to be worked by horses could be laid down at a small expense.

COLONEL SYKES said, that in the Barar district the finest crops of cotton could be produced—cotton equal to the production of any part of the world. The hon. Member for Manchester (Mr. Bazley) had inspected specimens of cotton grown by Dr. Reddell at Hyderabad without irrigation, the value of which the hon. Member fixed at 19d. per lb. There could not be a doubt, therefore, that India was capable of producing any quality of cotton; but the question arose whether the farmers could reap a greater profit from the cultivation of cotton than from sugar, indigo, or oil-seeds. The matter, therefore, was

really one of price. If the Lancashire manufacturers would make it worth the farmers' while, there might be a very enlarged production; but this could not be suddenly effected. A diminished cost to the manufacturer in the transit of cotton might be effected by opening up the water communication of the country. It was said that India could not bear the expense of the necessary works, and that was urged at a moment when an additional military force amounting to 4,000 men was about to be sent to India at an expense of half a million of money—a sum which, if spent on the opening of the Godaverry, would be amply sufficient to effect so desirable an object. He asserted it was the duty of the Government to reconsider the question relative to the sending out of these troops, for all available means should be taken advantage of, to assist in preventing the recurrence of such an unhappy state of things as now existed from the cotton famine in England.

MR. CAIRD said, it was one of the first duties of the Government of India to form roads and open up the communications with the interior. If that had been done, we should now have been able to obtain from India much of that cotton which was now so much required. The right hon. Gentleman had read a letter, stating that in Upper India the ryots were ignorant of the fact of an increased demand on the part of England for Indian cotton. If this were so, it must be owing to the neglect of the officers of the Indian Government, who should have made the native cultivators acquainted with a fact of such great importance. He doubted whether the Government realized the immense importance of the present crisis. In his opinion, the famine in Ireland was not to be compared with the existing danger. A quarter of the whole population was directly dependent on the supply of cotton for its livelihood, and what seriously affected one important interest of the country could not fail to affect others also. With regard to our future supply from America, it had been said that not only the last crop, but the crop now in the ground would pour in upon them as soon as peace was re-established. But he had had, on the preceding day, the opportunity of conversing with a gentleman from one of the Southern States of America, who said that not an acre of cotton had been planted in his district the present year. The Southerners refrained from planting, not merely from fear of being

overrun by the North, but "because there was a pressing demand for corn and no outlet for cotton ;" and because, even if an opportunity should occur of disposing of their cotton, they felt that if the two crops were brought into the market, the price would be lowered, and therefore it was in every respect to their advantage to sell the single crop at double prices. It therefore appeared that we should not have much more than last year's crop to rely upon, and of that a great deal would be destroyed by falling into the hands of the troops, and from other causes that were likely to arise in the present convulsed state of the country. It should be borne in mind that the Southern States offered a field for the cultivation of cotton superior to any other on the globe. The water they must supply in other places by irrigation nature gave them in the Southern States of America. When the slave system was well managed and profitably conducted, it was self-supporting, and in that the planters had another great advantage in the production of cotton. Thus, cotton could not hitherto have been grown in India for the same price as in America, and the price at which it could have been grown in India would not have been given by Manchester. But the times were changed, and Government should take measures to make up for the deficient supply of cotton from the Southern States. It was probable that neither the one nor the other of the parties in America would cease the conflict until the question of slavery was settled, and then the advantages which the Southern States had hitherto derived from slave cultivation would to a great extent be at an end. Consequently, the cultivation of this product in the South would be limited by the restriction or abolition of slavery, and we should have to look elsewhere for much of our supplies. The whole yield from Algeria, Egypt, &c., would not provide for more than six weeks' consumption. In case they should lose one-fourth of the supply from America, India would have to double her supply to make up even that small portion of the American deficiency. It was, therefore, necessary that they should draw out the power of cotton-growing in India; and the fact that India had sent them this year such an enormous supply disposed of the argument respecting her capacity to produce cotton. In the district of Dharwar, by the simple introduction of New Orleans seed, the produce per acre had been increased from 80 lb. or

90 lb. to 200 lb. Even this was but half the acreable produce of America, and yet, if attained on only the present extent of cotton land in India, it would supply all we required. It was difficult to introduce a new system of agriculture, but not difficult to improve an existing one. That was all that was needed in India. He hoped the Government would do all in their power to improve the cultivation of cotton in India. They might give legitimate assistance by providing the Natives with a supply of the seed of the improved plant, by making roads of access to the cotton districts, and by repairing and restoring the ancient reservoirs and canal irrigation works of the country.

MR. GREGSON said, it was unfortunate that we had not earlier considered the danger of depending almost entirely on one source of supply; and he believed that if enterprise and capital had been expended on India in former years, the supply of cotton from that country would have been sufficient to meet all the demands that could be made upon it. Last year the western side of India supplied nearly a million bales. He was afraid, however, that if the affairs in America should be settled, we should neglect India as before. All that was wanting to ensure the cultivation of cotton in India, was that the native cultivators should feel assured that there would be permanency in the demand, and they would easily raise the production to two or three million bales a year. What he recommended was that the capitalists should themselves take up the matter. Instead of crying to Jupiter for help, let them put their own shoulders to the wheel. If they would but supply capital, the skill and labour necessary would be easily forthcoming. He sympathized greatly with the distress of the manufacturing districts, and he regretted that the finances of India would not permit the removal of the duty on English imports, but, at the same time, he thought they should remember that India had herself reason to complain. It would be only too glad if her sugar, for instance, was taxed no more than 5 per cent, instead of 50 per cent.

MR. VANSITTART could not admit that past Governments had done nothing to promote the growth of cotton in India, because it was distinctly proved before the Colonisation Committee, that all that was needed was that English capitalists should prove to the natives that they were in earnest in this matter, and were not pre-

pared to blow hot and cold with regard to it. It was also shown that it was not necessary that any Englishman should hold land of his own. All that was necessary was that he should locate himself or his agent in some thickly-peopled district where the land had been settled, and make advances to the Native farmer or ryot, and then apply his skill in preparing the cotton for market in a superior manner to that which was usually the case with the cotton exported from India.

*Amendment, by leave, withdrawn.*

#### LOSS OF THE SHIP "CONQUEROR."

PAPERS MOVED FOR.

SIR JAMES ELPHINSTONE said, he wished to move for a copy of the correspondence of the Board of Admiralty in reference to the late naval court-martial held at Bermuda, which acquitted the Captain of the *Conqueror* for the loss of that ship. He also desired to ask the Attorney General whether it was his opinion that the Admiralty had acted legally in punishing by reprimand an officer who had been fully acquitted by the sentence of a court-martial; and also, whether it was in accordance with law to visit with censure an officer for the arguments adduced by him as a prisoner in his defence?

*Amendment proposed,*

To leave out from the word "That" to the end of the Question, in order to add the words "there be laid before this House a Copy of the Correspondence of the Board of Admiralty in reference to the recent Naval Court Martial held at Bermuda which acquitted the Captain of the *Conqueror* for the loss of that ship,"

—instead thereof.

LORD CLARENCE PAGET hoped that his hon. and gallant Friend would not press for the production of the correspondence between the Admiralty and Admiral Milne; but he should have no objection to produce the general order which had been issued in consequence of the court-martial referred to, and the object of which was to correct the erroneous view taken by the officers composing that court as to the responsibility of a captain on occasions when a ship was in danger. The communications between the Admiralty and its officers, although they were conducted as public correspondence, were to all intents and purposes departmental and to a great extent confidential. If that system were altered, the result would be that officers would make their reports with a view to publica-

tion. He had no objection, at the same time, to state the circumstances in which the Admiralty order originated. Sir A. Milne, than whom there was not a more zealous or excellent officer, had occasion to remark that several of Her Majesty's ships got aground on the North American station, and that the captains were inclined in those instances to throw the responsibility on the masters of the vessels. Sir Alexander Milne thought it incumbent on him to issue an order to the fleet which he commanded, pointing out that it was a mistake on the part of the captains to suppose that they were not responsible for the grounding of their ships; and the Admiralty, when the order was sent home, taking exactly the same view, issued a general order, in which that point was insisted upon. The hon. and gallant Baronet was quite wrong in stating that the Admiralty had punished the captain of the *Conqueror*. Under the circumstances, he hoped the Motion would not be pressed.

LORD NAAS said, he thought the Admiralty had gone a great deal further than would appear from the statement of the noble Lord. They had not merely expressed a general opinion with regard to the duties of commanders under all circumstances, but they entered into the merits of the particular case and declared that they entirely disagreed from the finding of the court-martial which acquitted the Captain of the *Conqueror*. They had taken the very unusual course of reversing, to a great extent, the finding of the eight able and distinguished officers who investigated the case on the spot, and who had all the facts before them; and they declared they "considered Captain Sotheby to have been highly culpable in not taking the necessary precautions." After that officer had been tried by his peers with the greatest impartiality, the inquiry lasting eight days, he must say that the Lords of the Admiralty had inflicted extreme hardship upon him by reversing the verdict which acquitted him in the most complete manner, and by holding him up to the country as culpable for the loss of his ship, without giving him any opportunity of being heard in his own defence.

THE ATTORNEY GENERAL said, that the hon. and gallant Baronet had asked two Questions—whether the Admiralty had acted legally in punishing, by reprimand, an officer fully acquitted by court-martial, and in visiting with censure arguments used in defence? It was in-

convenient to discuss abstract questions of law in that House ; and he preferred to address himself to the facts of the case. Captain Sotheby was in command of the *Conqueror*, which was wrecked on a coral reef. In his defence before the court-martial he claimed for captains a large exemption from responsibility, with reference to the navigation of a ship, and sought to cast the main responsibility on the master. The court-martial seemed to adopt that view : for they entirely acquitted Captain Sotheby, and reprimanded the master. It was only natural and right, therefore, when Captain Sotheby had put forward doctrines in his defence which they disapproved, and when those doctrines had been ratified and sanctioned by the officers composing the court-martial, that the Admiralty should declare their opinion that those doctrines were exceedingly dangerous, and were, in fact, a misconstruction of the printed orders issued for the conduct of officers. He thought it was quite within their competence to express such an opinion ; and he did not see how it could have been more legitimately made known than in a general order, which Admiral Milne was instructed to communicate to the officers under his command. Captain Sotheby himself, having come home, as a matter of fairness received a copy of the letter addressed to Sir Alexander Milne : but this was no formal act of "censure," as the terms of the Question supposed. The Lords of the Admiralty were Commissioners for executing the Office of Lord High Admiral, and there could be no doubt that such a functionary, if he existed, being charged with the maintenance of the discipline of the navy, would have full power to publish any order calculated to correct a prevalent opinion fraught with consequences dangerous to that discipline.

Sir JOHN HAY said, it must be subversive of all discipline in the navy to learn that a solemn expression of opinion by the Lords of the Admiralty that a particular officer's conduct had been "highly culpable" was not to be looked on by that officer as a punishment. He believed that no punishment could be more severe to a high-minded man than to pronounce that he had been guilty of culpable negligence. It was the very first instance in which such a course had been attempted on the part of the Admiralty. The only way in which it could be attempted to justify the measure was by the Navy Discipline Act of 1860. In the Act of 1860 there was

*The Attorney General*

a clause empowering the Admiralty to annul, modify, or suspend the sentence of a court-martial ; but it was not intended that the Admiralty should avail themselves of that clause for the purpose of aggravating a sentence. He thought that clause was brought forward in consequence of the old story of Admiral Byng being a victim to the inability of the Admiralty to relieve him from the sentence of a court-martial. The change was made in order that the law might not be so Draconic as it had been. It was quite true the Admiralty had the power of cashiering an officer without trying him by court-martial ; but when a court-martial had been held on the captain of the *Conqueror*, and he had been pronounced innocent, it was contrary to all our notions of English justice that the Admiralty should declare him guilty of culpable negligence. No court in this country, with the exception of the Star Chamber, had ever exercised such a power.

MR. DILLWYN said, he was of opinion that the country viewed with great satisfaction the course adopted by the Admiralty in this case. If they had not interfered, the doctrine would have gone forth that captains were not responsible for the navigation of their ships. The law had been laid down very clearly by the hon. and learned Attorney General.

COLONEL DICKSON said, he could not agree with the hon. Member who had just spoken, that the law had been laid down very clearly by the Attorney General. That hon. and learned Gentleman did not think it advisable to treat of abstract questions of law in that House ; but the question before them was not an abstract question. It was a question of the honour of an officer, which honour had been most grossly outraged by the Admiralty. Perhaps hon. Gentlemen were not aware of the effect which the words "highly culpable," as applied to a gallant officer's conduct, would have on his prospects. He could not but think it a most outrageous thing for the Admiralty to have some forward and stigmatized Captain Sotheby in the manner they had done, after he had been fully and honourably acquitted by the officers appointed to try him.

VISCOUNT PALMERSTON : Sir, I can quite understand that hon. Members may take an interest in the individual captain the subject of this discussion ; but I trust the House will take an interest in the ships of Her Majesty's navy. Now, I think the

Admiralty performed their duty in this case. It must have been an unpleasant duty, but a duty they had to perform. It appeared to them, on looking into the statements in the case, that Captain Sotheby was culpable in not having taken the precautions he ought for the safety of his ship; and, however unpleasant it must have been to them to pronounce their opinion on an officer against whom a court-martial had not expressed an opinion, I think it was a duty they owed to the service and the country to make a statement with respect to a matter involving the safety of Her Majesty's navy. It is no light matter that one of the finest ships in the navy has been lost by inattention to those physical circumstances an attention to which might have saved her. My hon. and learned Friend the Attorney General says the Admiralty did not exceed their legal powers, and I agree with my hon. Friend (Mr. Dillwyn) that they only did their duty, however painful the course adopted by them may be to the friends of the officer concerned. They did not alter the sentence. The officer has not been dismissed the service. They in no respect altered his position in the service, though they expressed as they ought to have done, their opinion that sufficient attention had not been paid in a case where attention might have saved one of the finest ships in Her Majesty's navy.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 67; Noes 42: Majority, 25.

#### HOLYHEAD HARBOUR.—QUESTION.

COLONEL DUNNE said, he rose to call the attention of the House to the alleged inconvenient and dangerous state of the landing pier at Holyhead; and to ask the Secretary to the Admiralty, Whether the Government intend to take any and what steps so as to secure the safety of the Irish steam packets and the passengers from and to Ireland during the next winter? The landing pier at Holyhead was at present in an inconvenient and dangerous state.

LOM CLARENCE PAGET said, Her Majesty's Government were anxious to carry out the necessary improvements of the pier at Holyhead; but, however important it was that the work should be carried on during the fine weather of the summer, it was positively necessary to

come to some sort of understanding with the London and North Western Company and the City of Dublin Steam Packet Company that they would abide by their contract. The Treasury were in almost daily communication with those companies, and he hoped the matter would be shortly arranged.

Main Question put, and agreed to.  
Supply considered in Committee.

House resumed.

Committee report Progress; to sit again To-morrow.

#### WAYS AND MEANS.

Order for Committee read.  
House in Committee.

*Resolved,*

"That, towards making good the Supply granted to Her Majesty, the sum of Ten Millions be granted out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland."

House resumed.

Resolution to be reported this day.  
Committee sit again To-morrow.

#### AFRICAN SLAVE TRADE TREATY BILL. LEAVE. FIRST READING.

VISCOUNT PALMERSTON said, he rose to move for leave to introduce a Bill to carry into effect the treaty between Her Majesty and the United States of America for the suppression of the African slave trade. The American Government had behaved in the handsomest manner in reference to the treaty. They had long been aware that the American flag had been perverted as a cover for carrying on the slave trade, and sensible of the evil and inconvenience to which that practice had given rise, they had of their own accord proposed the treaty, which was in all respects adapted, as far as their flag was concerned, to put an end to the perpetration of the crime.

Leave given.

Bill to carry into effect the Treaty between Her Majesty and the United States of America, for the suppression of the African Slave Trade, ordered to be brought in by Viscount Palmerston and Sir George Grey.

Bill presented, and read 1<sup>o</sup>; to be read 2<sup>o</sup> on Monday next, and to be printed [Bill 160].

House adjourned at half after One o'clock.

H O U S E O F C O M M O N S ,  
*Friday, June 20, 1862.*

MINUTES.]—PUBLIC BILLS.—2<sup>o</sup> Petroleum : Pier and Harbour Orders Confirmation ; Partnership Law Amendment.  
3<sup>o</sup> Merchant Shipping Acts, &c. Amendment ; Salmon Fisheries (Scotland) ; West India Incumbered Estates Act Amendment ; Sale of Spirits.

POOR RELIEF (IRELAND) (No. 2) BILL.  
[BILL NO. 15.] COMMITTEE.

Order for Committee read.  
House in Committee.

Clause 11 (Property hitherto exempt from rating as being used for charitable or public purposes to be rated).

SIR EDWARD GROGAN said, he wished to move the insertion after the word "purpose," of the words "except churches and chapels used exclusively for religious worship and open to the public, graveyards where no charge is made for interments, school-rooms used for the gratuitous education of children, court-houses, gaols, and bridewells." He thought, that whilst the intention of the clause was that property of all other kinds should be subject to the payment of poor rates, all descriptions of property which were used for public or religious purposes ought to be excluded from the necessity of contributing to such payment.

MR. VANCE expressed his concurrence in the Amendment. A Select Committee on the subject of trading had recommended that charities and buildings used for scientific purposes should not be taxed.

SIR GEORGE GREY said, he observed that several hon. Members had Amendments on the paper to move the omission of the clause altogether. He would suggest, therefore, with a view to save time, that the House should agree to the Amendment, and then discuss the question as to whether the clause should stand part of the Bill.

MR. MONSELL said, he had no objection to that course, but he should Vote against the clause.

*Amendment agreed to.*

On Question, "That the clause, as amended, stand part of the Bill."

MR. POLLARD-URQUHART said, he should move the omission of the clause, there being a strong feeling against taxing institutions established for charitable purposes, and he hoped the right hon. Baronet would give way on that point.

LORD NAAS said, he did not desire to exclude from exemption buildings wholly devoted to religious purposes, but it was his wish to limit the exemption to certain cases. Year by year the evil of property being exempted from the payment of poor rates was increasing. In the two unions of the city of Dublin property of the value of nearly £67,000 a year was exempted from poor rates altogether. Under the operation of the law there was no definite rule to guide the Valuation Commissioners, and the consequence was that several inferior institutions in Dublin were exempted. Amongst them was the office of the Royal Agricultural Society, the Committee House of Charitable Societies, in Circus Street ; sextons' dwellings, the Irish Church Mission House, the residence of the governor of the military prison, the Canteen, Royal Barracks, the School of Medicine. Trinity College, however, a building wholly devoted to educational purposes, was not exempt. In the year 1861-2, a Vote of £60,000 was taken by the Government in aid of the local assessment to the poor rate, upon property in their possession, thereby admitting the principle that that class of property ought to contribute. But, perhaps, the worst case was that of Dublin Castle, occupied by persons living in commodious houses and drawing Government salaries, but who contributed nothing to the rate. He was in favour of the clause as amended, not wishing that exemption should be extended beyond the classes of property comprised in the Amendment.

SIR ROBERT PEEL said, he concurred with the noble Lord in thinking that a great deal of property was improperly exempt from poor rates. It would be, however, better to deal with these exemptions by a Tenement Valuation Bill, and he therefore thought it would be judicious to expunge the clause.

SIR EDWARD GROGAN said, he was opposed to the omission of the clause. By passing the clause, as amended, they would exempt all property which was entitled to be exempted from the payment of rates, and would leave all other property rateable. The clause would not interfere with tenement valuation. It would exempt places of worship and schools from taxation ; but not convents, and buildings of that character.

MR. BLAKE suggested that the landlords should pay the rate on buildings used

for charitable purposes, and that the occupier should be exempted.

SIR GEORGE GREY said, that the objection to retain the clause was, that it did not properly find its place in a Bill for the relief of the poor, and he thought, therefore, it would be desirable to omit the clause from the Bill. Besides, its object was already provided for by an existing law, which said that buildings used for charitable purposes, science, literature, and the fine arts should be exempted from rating.

MR. SCULLY proposed that the clause should be rejected, and that another well-considered clause should be brought forward on the report.

MR. M'MAHON observed that a reference to the statutes showed that the landlord of a public establishment was liable to poor rate in respect of the rent he received for it.

Question put, "That Clause 11, as amended, stand part of the Bill."

The Committee divided :—Ayes 46 ; Noses 62 : Majority 16.

Clauses 12 to 15 were then agreed to.

Clause 16 (Limitation of Property and Proxy Claims).

MR. SCULLY said, he would move the omission of the word "five" in order to insert "two," his object being to limit the time during which a person should be entitled to hold a proxy for the election of a guardian to two years instead of five. Such was the law of England, and he could see no reason why a different law should be made to apply to Ireland.

Amendment proposed, in page 7, line 39, to leave out "five," and insert "two."

MR. VANCE said, he should support the clause as it stood.

MR. COGAN said, he should support the Amendment. The Chief Commissioner of the Poor Laws in Ireland had stated before a Committee which sat last year to inquire into the Poor Laws, that in many instances proxies were held and votes given in respect of property which no longer belonged to the person who gave the proxy. It was therefore desirable to limit the time during which a proxy should be held.

SIR ROBERT PEEL said, the subject had been well considered in the Select Committee, the members of which thought assimilation undesirable ; and he trusted that the clause would be retained unaltered.

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LORD NAAS said, the circumstances in Ireland were altogether different from those in England ; and assimilation of the machinery of voting was therefore not a desideratum.

LORD FERMOY said, he disliked proxies altogether ; but if they were to be retained, it was desirable that they should be frequently renewed. Therefore he should support the proposed restriction.

MR. BUTT said, the objection to five years was that it opened the door to fraud. Proxies might be held at a time when the person who had given them had lost his property.

MR. GEORGE vindicated the system of landlords voting by proxy, and contended that the clause as it stood, with the larger number of proxies to be in existence for five years, was preferable to the proposed restriction.

MR. MORE O'FERRALL said, a proxy was given to the landlord for the purpose of protecting his property. Now, it might frequently happen that a proxy might get into bad hands. It was advisable, therefore, that frequent opportunity should be given to the landlord for revising his proxy, and on that ground he should vote for the Amendment.

SIR EDWARD GROGAN said, he should support the clause, which rendered it necessary to renew proxies once in five years, and preserved power in the landlords to revoke them at any time.

MR. MONSELL said, he advocated the stricter limitation. Railway proxies could only be given for a particular occasion.

MR. LONGFIELD said, he thought that the checks against fraud were so effectual that the limitation to two years would be injurious to the rights of property, without in the slightest degree affording any additional protection against fraud.

SIR WILLIAM SOMERVILLE said, that as a landlord, he would prefer giving his proxies for the shorter period, since it would be a very disagreeable step to take to recall a proxy.

Question put, "That 'five' stand part of the Clause."

The Committee divided :—Ayes 101 ; Noses 32 : Majority 69.

LORD NAAS said, he thought it would be a fair compromise to substitute "twenty" for "ten" as the limit of proxies which any one person was entitled to hold. From

information that had reached him he did not doubt, that if ten proxies were the *maximum*, it would practically amount in many cases to an act of disfranchisement.

SIR ROBERT PEEL said, the question was one of importance, inasmuch as in Dublin there was the case of one person holding 2,000 proxies, and of another holding more than 1,000; whilst in England no one was at liberty to hold more than four. He saw no reason for departing from the Resolution of the Committee, which fixed the number of proxies at ten. In selecting ten as the *maximum* he had only followed the precedent set by the noble Lord in an Act brought in by him in 1858. He hoped the Committee would adhere to the conclusion which had been arrived at by the Select Committee.

SIR EDWARD GROGAN said, he objected to any limitation. Supposing that he had given his own proxies to an agent, was that a reason why the agent should not hold the proxies of other landholders? He denied that any gentleman in Dublin ever held 1,000 proxies. Proxies were held by agents *pro hac vice*; and he denied the right of any one to interfere in the matter.

MR. BLAKE said, he would move an Amendment, of which he had given notice, that the number of proxies to be held by the same person should be limited to five.

Amendment proposed, in line 43, to leave out "ten" and insert "five."

MR. COGAN said, that in reference to the denial of the hon. Baronet (Sir E. Grogan) that 1,000 proxies had been held by one individual, it appeared from the evidence taken before a Committee last year that an Assistant Poor Law Commissioner stated that he had known 1,000 votes given by one agent.

MR. BLAKE said, he would withdraw his Motion.

Amendment, by leave, withdrawn.

Another Amendment proposed, in line 43, to leave out "ten," and insert "twenty" (*Lord Naas*).

SIR ROBERT PEEL said, he could not set his opinion against that of the Committee, and he felt bound to say that the number "ten" had been adopted after careful consideration by the Government.

LODR NAAS explained, that since he had expressed the opinion to which the right hon. Baronet had referred, he had

*Lord Naas*

received information which led him to the belief that the restriction to ten would practically lead to disfranchisement in many unions.

LORD FERMOY explained, that the object of granting proxies was to give to landlords votes for elections to seats at boards of guardians; not to give the power of interfering with the transaction of any business before the board.

Question put, "That 'ten' stand part of the Clause."

The Committee divided:—Ayes 90; Noes 62: Majority 28.

MR. BLAKE said, he wished to move additional words, providing that all persons exercising the privilege of voting by proxy should each time previous to availing themselves of it make a solemn declaration that they still held unchanged the franchise on which it was founded.

SIR ROBERT PEEL said, it was impossible for the Government to entertain the proposition. A solemn declaration meant a declaration before a magistrate.

Amendment negatived.

Clause agreed to.

Clauses 17 to 20 were also agreed to.

Clause 21 (Paid Officers and others incapable of serving as Guardians).

MR. COGAN said, he wished to move the omission of certain words which would prevent the election to a seat at the board of any officer who had been dismissed by the Commissioners within five years previously. He thought it monstrous that it should be in the power of the Commissioners to brand a man so far as to disqualify him from being re-elected by the votes of his fellow-ratepayers. It by no means followed as a matter of course that the decision of the Commissioners must be in all cases right.

Amendment proposed,

In page 9, line 15, to leave out the words "nor any person who, having been such paid officer, shall have been dismissed."

LODR NAAS observed, that he thought the provision in the clause was a very good one.

MR. WALDRON said, he should support the clause. He knew a case in which a paid officer, who had been dismissed for misconduct, took his seat next week as a member of the board of guardians, which refused to act with him.

MR. H. A. HERBERT said, he should support the clause. Indeed, he thought

the words "by the Commissioners" should be omitted, so as to extend the disqualification for re-election to officers dismissed by the boards of guardians, as well as to those dismissed by the Commissioners.

LORD JOHN MANNERS suggested the withdrawal of the clause, in order that another might be framed narrowing the restriction.

SIR ROBERT PEEL said, he must decline to withdraw the clause, which was analogous to one in the English law.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided :—Ayes 116 ; Noes 28 : Majority 88.

MR. MAGUIRE said, he would move to insert the words "for fraud, embezzlement, or any criminal offence" after the word "dismissed," so that only grave misconduct should incapacitate a person from serving on the board.

LORD NAAS said, that in that case the words "by the Commissioners" should be omitted also, so as to make the clause extend to dismissals by boards of guardians.

SIR GEORGE GREY said, he must object to the words "gross misconduct." The phrase was not a legal one.

MR. MAGUIRE : Then I withdraw "gross misconduct."

MR. SCULLY said, he would recommend that the words should run, "any person who should have been dismissed for any criminal offence." These words would enable the question of criminality to be raised in a court of justice, if a man were dismissed by the Commissioners on any such alleged ground. It would be "gross misconduct" in that House to consent to brand a man, whose only offence might be difference of opinion with the guardians or Poor Law Commissioners.

Amendment negatived.

SIR EDWARD GROGAN said, he would move an Amendment to omit the words "within five years previously." If an officer had been dismissed for misconduct, he ought not to be eligible to sit upon the board by which he had been dismissed.

Amendment proposed, in line 17, to leave out the words "within five years previously."

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided :—Ayes 100 ; Noes 33 : Majority 67.

House resumed.

Committee report Progress; to sit again on Friday next, at Twelve of the clock.

#### BIRTHS AND DEATHS REGISTRATION (IRELAND) BILL.—QUESTION.

SIR ROBERT PEEL stated that he proposed to ask the House to go into Committee on the Bill at another morning sitting on the following Friday, after the Poor Relief Bill had been gone through.

MR. WHITESIDE said, that the question of the registration of marriages was intimately connected with that of births and deaths, and the principle involved was too important to be discussed at a morning sitting.

MR. GEORGE said, he objected to come down to a morning sitting to discuss a Bill which there was no serious intention of passing.

#### THE BOMBARDMENT OF BELGRADE. QUESTION.

MR. DARBY GRIFFITH said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether accounts have been received that the Turkish Fortress at Belgrade have bombarded the Servian portion of that town? Whether Baron Hubner has offered, at Constantinople, the assistance of Austrian Troops to co-operate with the Porte, either in Bosnia, Servia, or elsewhere; and whether any such intervention by one of the Great Powers, independently of the others, is compatible with the existing Treaties?

MR. LAYARD stated in reply, that the Government had received information that the Turkish fortress at Belgrade had bombarded the Servian portion of the town. He understood that the Servians had offered considerable provocation to the Turks. Two or three of the latter had been murdered, and on the 16th the Servians, by a surprise, took possession of two of the gates of the Turkish quarter. On the 17th, some shots having been fired at the fortress, the Turkish garrison was led to believe that an attack was going to be made upon them, and opened a bombardment on a part of the town. The

Consuls immediately interfered; and as soon as the British Government were apprised of the occurrence, they took such measures as they thought most calculated to stop the effusion of blood. The bombardment, he believed, did not last more than four hours. A telegram had just been received from the Turkish Government stating that a Commissioner would be immediately despatched to Belgrade to investigate the matter, and that every effort would be made to bring about a satisfactory settlement of the differences which had arisen. He was not aware that the Austrian Ambassador had offered to send troops to co-operate with the Porte in Bosnia, Servia, or elsewhere. With regard to the third question, he could only say that the interpretation of European Treaties could not be decided by a mere question and answer in that House, and any expression of opinion on his own part could be but that of an individual.

#### BLOCKADE OF MEXICO.

##### QUESTION.

LORD ROBERT MONTAGU said, he rose to ask the Under Secretary of State for Foreign Affairs, on what grounds the French commenced to blockade the Mexican coast on May 1st; and whether the French Government did not notify this blockade until June 5th; and why Her Majesty's Government did not give notice of the Blockade until June 17th. He also wished to know what time would be allowed to vessels now on the voyage out, or at present loading in England, to enter the Mexican ports?

MR. LAYARD said, the noble Lord was in error in supposing that the French Government had notified the blockade on the 5th of May. The notice which appeared in the *Moniteur* of that date did not amount to an official notification to this country. The official notice did not reach the English Embassy at Paris until the night of the 13th. On its arrival in London it was sent to the Law Officers of the Crown to be examined, and was then published in the first *Gazette* on the 17th. He had not received notice of the last question of the noble Lord, and could not therefore answer it satisfactorily at that moment. He would give a reply on Monday.

LORD ROBERT MONTAGU said, he wished to know whether the blockade did not commence on the 1st of May.

*Mr. Layard*

MR. LAYARD said, he understood that before a blockade could be properly established official notification must be given to the countries affected by it.

#### THE OPIUM CROP IN INDIA.

##### QUESTION.

MR. TORRENS said, he would beg to ask the Secretary of State for India, Whether there is any truth in the statements which have been published in various Newspapers, of a deficiency in the yield of Opium for the season; and if so, whether it is likely that any loss will ensue in the Revenue in India; and whether any representation of grievances has been made to the local Government by Ryots in different Zillahs in Bengal, who receive advances from the Government there, to enable them to cultivate the Poppy plant; if so, will he describe generally what are the grievances complained of, and whether the Governor General or the Lieutenant Governor has appointed a Commission to inquire into them?

SIR CHARLES WOOD said, he had received no official information upon any of the points to which the hon. Member had directed attention. He had reason to believe that there had been some failure in the opium crop, but it by no means followed that there would be a loss of Revenue, because the sale of a smaller quantity at a higher price might produce as good a Revenue as that of a larger quantity at a lower rate.

#### ARMSTRONG GUNS.

##### QUESTION.

MR. GORE LANGTON said, in the absence of his hon. Colleague (Mr. Berkeley), he would beg to ask the Secretary of State for War, The reason why the Returns respecting the Armstrong guns, moved for on the 7th day of March and withdrawn, and renewed on the 18th day of March with the concurrence of the Secretary of State for War, have not been laid upon the table at this late period of the Session?

SIR GEORGE LEWIS said, that this Return had to be founded upon the accounts of the Royal Gun Factory for the year ending the 31st of March last. These accounts had only lately been made up in a complete form. The Return would shortly be ready.

## THE FORTS AT SPITHEAD.

## QUESTION.

LORD HENRY LENNOX said, he rose to ask the Secretary of State for War, Whether the Plans of the Forts proposed to be erected at Spithead have been finally determined on ; and, if so, what is the estimated cost of each of those Forts ; and whether it has been decided what shall be the number and calibre of the guns to be placed in each Fort, and what is the estimated cost of such armament.

SIR GEORGE LEWIS said, that he should on Monday next move a Resolution with respect to Fortifications, and he would then give the information which was desired by the noble Lord.

## MURDER OF DR. MACCARTHY AT PISA.

## QUESTION.

MR. HENNESSY said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether the murderer of Dr. MacCarthy at Pisa has been brought to justice ; and, if so, with what result ; and whether Her Majesty's Government will lay upon the table of the House the Correspondence and Papers on the subject ?

MR. LAYARD said, that the murderer of Dr. MacCarthy was brought to trial on the 10th of March and sentenced to ten years' confinement, and to pay an indemnity to the family of the deceased. Upon the subject of the trial our Consul wrote, after giving some details—

" I have to add that the case was most carefully got up. The examinations were conducted with great regularity, and it was evident that the proceedings were watched with interest by members of the Bench and the Bar who were not conducting the case. The other business of the Court was made to give way, and, as regards the expedition with which the case was carried through, it ought to be remembered that two months only elapsed from the commission of the offence to the punishment of the offender. No authorities could have acted with greater consideration, firmness, and efficiency than had the Italian authorities."

The Consul went on to state, that although some people might take exception to the punishment as too lenient, it was according to the Tuscan code, by which the punishment of death was abolished ; and as the imprisonment was accompanied by solitude and silence, although the murderer was a very hale man, there was scarcely a chance of his surviving his punishment.

## TRADE MARKS BILL.—QUESTION.

MR. ROEBUCK said, he wished to ask the President of the Board of Trade, Whether, having fixed the Trade Marks Bill for Monday next, he will be prepared to state the day when the Government will bring it on ?

MR. MILNER GIBSON said, he hoped to be able to fix a day on Monday.

MR. ROEBUCK : Will it come on next week ?

MR. MILNER GIBSON : I will say on Monday.

## SUPPLY.

Order for Committee read.

Motion made, and Question proposed, " That Mr. Speaker do now leave the Chair."

## UNITED STATES—RECOGNITION OF THE SOUTHERN STATES OF AMERICA.

## OBSERVATIONS.

MR. W. S. LINDSAY said, that it had been his intention to have submitted to the House that evening a Resolution the object of which would have been the recognition of the Southern States of America ; but many hon. Members whom he had consulted, and whose opinions he was bound to respect, had recommended that he should postpone the Motion. In deference to their opinions he proposed to postpone it until the 11th of July. Before that time he trusted that Her Majesty's Government would see the necessity of taking in hand a question so grave and important, and one which properly belonged to the Executive, and would thus render it unnecessary for any private Member to submit to the consideration of the House the desirability of recognising the Southern States, because it must be apparent to all men that before long those States must become an independent nation.

## THE "BRITISH STAR" NEWSPAPER.

## PAPERS MOVED FOR.

MR. MAGUIRE : I appear, Sir, not only on behalf of a British subject who has been wronged in his property, but in vindication of a principle which every man in this House holds dear. It has been proclaimed over and over from the Treasury Bench that England is not alone the home of liberty, but the propagandist of freedom. The case to which I am about

to refer, proves that Her Majesty's Government have violated that principle of freedom; and I stand here to demand an explanation of the reasons which induced them to commit an act which, if properly understood by this country, ought to bring a blush of shame to the cheek of every Englishman. Liberty of the press is no longer a cant phrase in this country; it is a household word—a creed which the nation professes, and, better than professes, believes. Her Majesty's Government have violated that principle; and in their manner of doing so, they have done more to degrade the dignity and character of the country than any misguided Government has almost ever done by their official blunders. The British Government have, so far as they could, suppressed a British paper, published in London by a naturalized British subject, an elector of the City of London—one who pays his rates and taxes like any Englishman. The gentleman to whom I refer—M. Zenos—is a Greek by birth, but he has lived fourteen years in this country; and if he have any one feeling stronger than another, it is admiration of the laws and institutions of England, and of the genius and virtues of her people. I am rather stating the feelings of M. Zenos than my own. This gentleman, who is engaged in extensive mercantile transactions, and who is well known in the City, having also a taste for literary pursuits, established a paper, some two years since, with the noble and patriotic object of infusing, so far as he was able, European ideas and civilization, together with a knowledge of European progress, into European Turkey, but especially among his compatriots of the East, whether in Greece proper, or in the Ottoman Empire. The main portion of this paper, which is printed in modern Greek, and profusely illustrated, is devoted to literary, scientific, and artistic subjects. The illustrations are of the highest order of art; and as to the literary portion of it, those who have had an opportunity of becoming acquainted with the *British Star*, speak of it in terms of praise. I hold in my hand a copy of the paper; and it is necessary that I should call particular attention to the fact that the political part, which consists but of four pages, can be easily separated from the main body of the paper. The political portion of the *British Star*, consists of articles partly original and partly copied from the leading journals of England. Among the latter there

would occasionally appear a thundering leader from the *Times*, or perhaps a spicy article from the *Saturday Review*. Only four pages, however, are devoted to political matter; the great bulk of the paper being devoted to subjects of a literary, scientific, or artistic nature. It is essential that this description should be borne in mind, as the sequel will show how important it is in understanding the hard case of this British newspaper. On the 3rd of May, M. Zenos, the proprietor of the *British Star*, received a communication from Mr. Hill, the Under Secretary of the Post Office, informing him that, at the request of the Ottoman Government, received through Her Majesty's Ambassador at Constantinople, the Postmaster General had given directions to the British Postmaster at Constantinople not to deliver, but to return to this country, all copies of the *British Star* which might reach his office. Practically, this order amounted to a suppression of this newspaper in European Turkey. Could anything be worse than this in France? No; this was worse than that which we deprecate in France. In France, before a newspaper is suppressed, two warnings are given to its conductors. But the British Government, without any warning whatever, practically suppressed a British newspaper. The representative of the greatest Power has thus degraded himself, his Government, and his country, by becoming the instrument of one of the vilest despotisms in the world. [Laughter.] Hon. Gentlemen may laugh, but I will prove what I assert. In this letter of the 3rd of May, the reason why the paper was suppressed is thus given—"it being alleged by the Porte that such newspaper contains articles inciting to revolt against the Government and laws of Turkey." The letter did not state that the allegation had been proved, or that the noble Lord the Foreign Minister, or the Under Secretary, had read these articles, and endorsed the statement of the Ottoman Government. The paper was suppressed in consequence of a simple allegation; and thus the British Government, the representative of the greatest Power in the world, made itself the cat's-paw of the vilest despotism in the world. M. Zenos immediately wrote to the noble Lord the Foreign Minister, denying that any such articles had appeared in his paper; and in proof of that assertion he forwarded to the Foreign Office a file of the paper for the current year. After

stating what his object was in establishing the *British Star*, M. Zenos adds—

" My paper has been very often in opposition to the Government of King Otho, and has pointed out, from time to time, the abuses that exist in the administration of affairs in Greece. It is this opposition, I fear, my Lord, that has caused the Government of the Sultan to apply to that of England, to prevent the circulation of my paper in Turkey. For, a short time since, M. Barotai, dragoman of the Greek Legation in Constantinople, meeting my father, who is my agent in that capital, told him, that as I persisted in my opposition to the Government of King Otho, he, Barotai, would use all his influence with the Minister of Foreign Affairs in Turkey, to get him to suppress the circulation of the *British Star* in that country."

I hope the hon. Gentleman the Under Secretary will be able to state that he was ignorant of any such contemptible intrigue. M. Zenos however makes a proposal, to which I beg to call special attention—

" Should your Lordship, after what I have stated, still feel not justified in removing the prohibition placed on my paper, I beg to propose, that my paper being divided into two sections—one literary and scientific, and the other political, the former be permitted to pass through the British post-office, pending the settlement of this question. I have been at very considerable expense in preparing woodcuts illustrative of the International Exhibition. All this expenditure will be in a great measure thrown away if I be prevented sending my paper to Turkey, and the Greek population of that country will also be deprived of any knowledge of this great exhibition of international industry; and as the *British Star*, independently of its political views, has been the chief literary as well as scientific instructor of my compatriots of the Ottoman Empire, I trust your Lordship will see fit to grant my petition."

What did the noble Lord say to this reasonable and moderate request? He had the following curt and snubbing answer written to this gentleman:—

" I am directed by Earl Russell to acknowledge the receipt of your letter of the 8th inst., in which, after advertizing to the fact that the British Postmaster at Constantinople has been ordered not to distribute a paper called the *British Star*, you request that the literary and scientific portions of that journal may be forwarded separately, and I am to state in reply that Lord Russell cannot comply with your request."

M. Zenos was utterly amazed. For what had he proposed to do? To eliminate from his journal all that was political, or that could possibly give offence, and to confine it exclusively to that which would not only be harmless and unobjectionable, but useful and beneficial. You take pride in your International Exhibition, and you boast of the advantages which it is certain to confer on this country, as well as on all

other countries that obtain a knowledge of the advance which it evidences in the material and artistic progress of the world. M. Zenos was anxious to impart that information to his compatriots in European Turkey; but the British Government denied him the means and opportunity of so doing. M. Zenos was bewildered; he could not understand what this refusal meant; and after acknowledging the receipt of the last communication from the Foreign Office, he ventured to ask his Lordship the Foreign Minister his reasons for not granting his request. The House has often heard of Irish bulls; but the noble Lord—who has none of the vivacity of character which accounts for trivial mistakes of the kind, and which even redeems some of the faults of my countrymen, but who is distinguished, on the contrary, for all the coldness of the genuine John Bull—fell into one of the most absurd blunders of which I have ever heard, in his reply to M. Zenos. On the 16th of May this reply was sent; and with respect to the language and its sense I certainly cannot congratulate the noble Lord or the hon. Gentleman opposite, if he had any hand in its composition. It was as follows:—

" I am directed by Earl Russell to state to you, in reply to your letter of the 13th inst., that the political character of the newspaper called the *British Star* is sufficient to justify the British Post Office at Constantinople."

M. Zenos proposed to eliminate the political portion of the journal, and only to send abroad the literary and scientific sheets, which were not only unobjectionable but positively beneficial. This the noble Lord could not allow—why? Because of the political character of the paper? Was that a practical bull, or was it not? Now, I ask for the demand, or request, made by the Ottoman Government, in which this correspondence originated, and for the correspondence between the British Ambassador and the Home Government, in order that some explanation may be given of an act which is a disgrace to this country. When I was asked by M. Zenos to bring this subject before Parliament, I urged him to tell me if any articles really had appeared in the *British Star* of the character attributed to them—namely, of inciting to revolt in Turkey; and the answer given to that question was, that no such articles were published in his paper; and that in addressing, as he did, the highest class of

his compatriots in the East, his chief object was to bring about as speedily as possible the realization of the solemn promises made by the Turkish Government to the Great Powers, and guaranteed by treaties in favour of the Christian subjects of the Porte. I then asked him, "How can you account for this hostility to your paper? I cannot discover any valid reason on the face of the correspondence. Have you offended any one in authority?" M. Zenos could only account for the hostility shown towards him by the British Government or the Foreign Office, by the fact that he had inserted an article throwing ridicule upon certain statements of the hon. Gentleman opposite in reference to the Turkish loan, and which may have hurt the susceptibilities, financial or otherwise, of the Under Secretary for Foreign Affairs. That hon. Gentleman is no longer Chairman of the Ottoman Bank, the agent for the Ottoman Loan; he is, I understand, only a shareholder in that concern; but he still no doubt regards it with a kind of parental affection, and anything said against the Turkish Loan naturally excites his indignation. On the 14th of March, in reply to the hon. Member for Chichester (Mr. Freeland) the Under Secretary gave a glowing description of Turkish finances and Turkish reforms. He was asked by the hon. Member for Chichester to produce a document which was one of the ablest State papers ever presented to the House, and which, if anything could, might, if acted upon, prove the salvation of the Ottoman Empire. The document I refer to is the Report of Mr. Foster and Lord Hobart on the financial condition of Turkey. It was signed at and sent from Constantinople on the 7th of December, and reached the Foreign Office on the 20th of December. When the hon. Member for Chichester moved for that paper, the hon. Gentleman the Under Secretary, asked him not to persevere in his request, as the production of the Report might defeat the object for which it had been drawn up, and which the Turkish Government had in view. I venture to think that the object with which the Report had been refused on that occasion was to prevent it from damaging the Turkish Loan, which had been puffed from the Treasury Bench. If I had not a high respect for the personal honour of those who sit on that bench, I would say the Turkish Loan had been puffed by them for the purpose of "rigging the market;"

*Mr. Maguire*

but I would not say anything of the kind, for I have too much respect for the personal honour and character of the gentlemen who occupy an exalted position. I must however ask, whether, in his speech in reply to the hon. Member for Chichester, the Under Secretary for Foreign Affairs faithfully represented the financial position of that rotten empire, Turkey? His statements on that occasion and those contained in the Report do not agree; and if the latter had been analysed, and if that analysis had been read over at the Stock Exchange, hon. Members would not have heard much of the success of the Turkish Loan. The article of the *British Star* combated the statements of the Under Secretary, and ridiculed the alleged progress and prosperity which he described. The Under Secretary described a number of reforms which had been inaugurated in Turkey. He stated, among other improvements, that the Sultan had cut down his Civil List, and effected certain reforms in his palace, and that his Majesty's example was certain to be followed by the officials of the empire. It is, I believe, the fact that the present Sultan dismissed certain *employés* who had been in the service of his brother, and that he has likewise discharged a number of the unhappy women who formed the harem of the late ruler of the Turkish empire. It is a fact that he has effected the latter reform; but having applied the broom of reform pretty freely to the seraglio, the reigning potentate sent his agents into Georgia and Circassia, and culled some of the fairest flowers to be found in the mountains and plains of those countries, which have been so long famous for the beauty of their female inhabitants, and which have contributed so largely to form the harems of successive sultans. Indeed, I believe it may be asserted that the harem of the present ruler of Turkey is furnished as well, and with as little regard to cost, as that of any of his illustrious predecessors—a fact which may be of some slight interest to those who are influenced by Oriental sympathies. The hon. Gentleman the Under Secretary for Foreign Affairs proceeded to say that the very first selection made by His Majesty the present Sultan was that of a distinguished financial reformer, whom he (Mr. Layard) lauded to the stars as a man of genius—a gentleman named Achmet Efendi. To him was intrusted the property given to mosques and religious bodies for religious purposes; and he (Mr. Layard)

mentioned some of the reforms which Achmet Effendi had been able to carry out. But did the hon. Gentleman know at the time that this distinguished reformer had been dismissed shortly before his laudatory statement was made. The dismissal of Achmet Effendi took place before the time the hon. Gentleman made his statement. In reference to this department and this minister, the Commissioners—Mr. Foster and Lord Hobart—say, in page 30 of their Report—

"The Minister, however, who was appointed to take charge of this department, since our arrival here had commenced the introduction of a superior system of accounts, and by his reforms had, in the few months of his administration, greatly improved the financial position of this department. We heard, therefore, with regret that this intelligent officer had been dismissed."

So much for the reforms, and the manner in which the reformer has been treated by a reforming Government. The hon. Gentleman represented that the Turkish debt amounted to only £14,000,000. In the Report of Mr. Foster and Lord Hobart that amount swelled out to £46,000,000, which did not include enormous sums taken under various pretences from Greek and Armenian merchants. These sums, borrowed from the Christian subjects of the Porte, have not been paid back, and in too many instances the loss of this money has brought ruin and bankruptcy upon eminent mercantile houses. If hon. Members look into the subject, and read the valuable Report of the English Commissioners, they will find that the state of things existing in Turkey is very bad indeed. With respect to "income tax" in that country, the local authorities to whom the tax is farmed could assess a man to any amount they pleased, and it depended afterwards upon the correctness of the accounts of the provincial or district authorities, whether a taxpayer might not have to pay his portion three or four times over. The Report says that—

"The amount of 'vorghi' payable by each person is decided annually by the authorities of the town or village to which he belongs. The distribution, which is ostensibly based upon the relative wealth of each member of the community, has hitherto been made in the rudest, most informal, and most arbitrary manner. The consequence has been that all kinds of unfairness, favouritism, and unjust exaction, have prevailed in the assessment of the impost, and that the wealthier classes have usually escaped with a very light application, or with no application at all, of the tax, which therefore falls with additional weight upon the poorer portion of the community."

Some attempt at reforming this monstrous abuse has been made in one or two places. Let Gentlemen who feel so uneasy at an additional penny in the pound on their income tax appreciate this delightful state of things, and then consider how pleasant it would be if they had to pay their taxes two or three times over, instead of once. And yet the Commissioners tell us that this kind of thing frequently occurs. The taxpayer is in ignorance as to the amount he has to pay—no receipt or written discharge is given to him—and "the payers are liable to be, and frequently are, called upon to pay the same amount of tax twice, and even three times over." The collection of the "Rachat," or tax for exemption from military service, is equally unsatisfactory, equally arbitrary, and equally oppressive to the individual. This is levied on the Christian subjects, who are not allowed to bear arms. The Customs are farmed out, the clerks are badly paid, and the corruption of the officials is matter of notoriety. I believe there is scarcely any other country, boasting of even the rudest civilization, in which there is not an effective system of postage established by the Government; but even the environs of Constantinople are without the most ordinary means of communication by letter. Twenty times over, in their Report, the Commissioners urge on the Government of the Porte the necessity of roads for internal communication. One instance of the neglect of this progressive Government may be given, and I take it from the Report of the Commissioners. Corn is worth thirty to forty piastres per kilo. at the seaboard, which same corn does not pay the cultivator more than four to five piastres—the difference being made up by the cost and the difficulties of transit. Yes, there was an attempt at reform last year, but it was in the wrong direction. Under the head of "Ministry of Commerce and Public Works," there is a reduction of £20,000; but this is at the expense of the repairs of streets, roads, and bridges. There is another attempt at reform, but it is also stupid and jealous. Some facilities, though under restrictions of a capricious nature, are to be allowed to the subjects of the Porte to work mines in Turkey; but no encouragement is given—in fact, no permission is to be allowed—to any Frank or foreign Company to work the mines of that country ["Question!"] I am keeping to the question. M. Zenos endeavoured to show up that

state of things for the purpose of bringing about its reform. Is that a crime? Is it a crime of *The Times* to censure a Government for its short-comings, or to suggest reforms? If not, is M. Zenos to be punished for having followed so illustrious an example? It is of importance that the House and the country should know what is the real state of things which the hon. Gentleman the Under Secretary is constantly puffing. In the office of the Ministry of War, as in other public offices, the clerks, who are miserably paid, can only get an increase through interest. Superannuations, or pensions, depend altogether on the amount of interest which the recipients can employ to obtain them. In the army, the authorities demand payment in rations and clothing, and pay for more men than are actually in the different regiments. In the navy things are as bad. The Capitan Pasha has had his pay raised from £10,000 to £13,000; while the captains of vessels receive but £40 a year, and rations in proportion to their rank. All the inferior officers are miserably paid, and yet they must live. What is the state of the tribunals? The judges are paid by fees, and are liable and open to corruption. In fact, they are notoriously the most corrupt in the world. "It is asserted," say the Commissioners, "that in some instances (at Acre, for instance) the office of judge has been farmed out to the highest bidder." Of the provincial police, Lord Hobart and Mr. Foster say the people prefer the brigands to them. In the Admiralty stores there is a store-keeper, but there are no accounts—no regular check upon the articles received and issued; and when the Commissioners inquired if no books were kept, they were shown a rude memorandum book. In fact, there is no proper system of accounts, or anything approaching it, kept in Turkey; and the whole system is corrupt and rotten—one of peculation and robbery, plunder and oppression. The reforms are up to this merely nominal, and I believe that the few which have been attempted, have been attempted solely for the purpose of making a demand upon the purse of the English nation. We have been led to believe that the state of the Ottoman finances was most promising. But what is the fact? The Commissioners state that the deficiency on the current year—that is, the year 1861—was £2,920,000; and for this year they calculated on a deficiency, or an excess of expenditure over

revenue, of £1,700,000. And yet the House was told in March last of some telegram announcing a surplus for this year's budget of £800,000. I should like to know how that surplus, which must exist in the imagination rather than in reality, has been made out. I think it would require a more accomplished financier than the Under Secretary to reconcile this gratifying surplus with the figures of the Commissioners. Where, I ask, is the wonderful prosperity and progress we have been hearing of?—where the splendid field for the investment of British capital? M. Zenos has told the truth in his paper in reference to all this, and the result has been the practical suppression of his paper in our Constantinople post-office. But there is something more important than a mere question of finance. To save this rotten empire you spent £100,000,000 of money, and I shall not say how many human lives; and yet how have the promises made by this wretched Government been carried out? Turkey was saved from the grasp of Russia by France, England, and Sardinia—three Christian Powers; and by the treaty of Paris, in 1856, to which the Great Powers were parties, partly out of gratitude, and partly from necessity, it guaranteed to its Christian subjects certain rights, which up to this moment have not been conceded—not one of them. Is the Christian yet on an equality with the Turk before the judge of a native tribunal? Nothing of the kind; and yet it was by Christian arms that this wretched empire was saved from destruction. The law of Turkey at this moment is the law of the Koran, which says that the evidence of any one Turk is to outweigh that of a whole village of unbelievers; so that the evidence of a Turk, no matter how mean his position or how bad his character, would be received in preference to the evidence of any number of Christians, no matter how respectable or trustworthy. Is this a state of things which we, as a Christian people, are to endure? This is the year 1862—six years after the treaty of Paris, in which this equality of civil rights was guaranteed; and yet no step has been taken to redeem that most important of all the stipulations. Who are these Turks?—what are their numbers? The Turks in European Turkey are not 2,000,000 in number, and yet by a policy of savage cunning they keep down 12,000,000 Christians; because the latter are not allowed the use of arms—not al-

lowed to become soldiers, although they are subjected to a poll tax, arbitrarily imposed, and more oppressively collected. Again, no Christian can hold landed property in his own name; he might do so in the name of some female of his family, because it is thought that at one time or another she may become the property of the Mussulman. ["Oh!"] It is a fact. M. Zenos sought to purchase land in Smyrna in his own name, but he has not been allowed, though he might have done so in the name of his sister. Other matters were guaranteed by the Treaty of Paris, but, like those I have mentioned, nothing has been done to realize them to the Christian subjects of the Porte. Now, M. Zenos does not incite to revolt against the laws and government of Turkey; but he does advocate the fulfilment of that compact which this country was a party to, when it spent its blood and treasure in the vain attempt to prop up this rotten despotism.

[The hon. Member then quoted passages from the Earl of Carlisle's "*Diary in Turkish Waters*," in which the decaying state of the Turkish Empire is vividly described. The hon. Member then proceeded—]

And yet this is the country, and these are the people, for which and for whom we have laid heavy burdens upon ourselves, and imposed heavy liabilities upon those who will come after us. And when M. Zenos endeavours, through his journal, to infuse English notions, English civilization, into this country, is Her Majesty's Government to place an interdict on his Journal? I might give another reason why M. Zenos' newspaper does not find favour in the eyes of the hon. Member the Under Secretary for Foreign Affairs. The hon. Member last year made a speech, denouncing the Greeks, and treating them contemptuously, and a Greek gentleman wrote from Paris a stinging letter, which must have galled the hon. Gentleman, and that letter appeared prominently in this Greek journal. Upon the Christian population of Turkey rest its entire hopes of progress or prosperity. The Christian element is the only active element; and of the Christian population the Greeks are the most active, the most energetic, and the most enterprising. Lord Carlile shows how it is the Greek peasant that tills the fields and thrives, while the Turk "reclines, smokes his pipe, and decays." The fact is that

the trade, commerce, and civilization of Turkey—at least such civilization as it possesses—are all owing to the Greeks. They are its greatest and most successful merchants there, as they are amongst the proudest merchants of this country. They love art, and literature, and refinement, and they diffuse some of that refinement around them. M. Zenos has the spirit of his countrymen in these respects, and he uses his paper as a means of promoting their improvement. Well, it is just at the moment when M. Zenos is going to a large expense in order to show his countrymen abroad the nature and character of the International Exhibition, of which this country is so proud, that the British authorities deprive him of the power of diffusing that civilizing knowledge. I call upon the hon. Gentleman to state what is the real cause of this conduct. I cannot understand how a Government, which is the propagandist of revolution in other countries, would not allow the breath of free opinion to circulate in Turkey. Why did the hon. Gentleman, who can make speeches about the spread of light in Naples and Rome, prevent the progress of a journal, such as I have described, in a country which requires the breath of free opinion more than any other country in the world? I ask the hon. Gentleman to lay on the table the documents which I move for, and I call on the Government to withdraw from the perilous and shameful position they have assumed; perilous, because it compromises their honour and the great principle which they advocate—and to do justice at this late hour to this gentleman, who has expended much capital in the attempts to carry out the noble and patriotic object which he has in view. That object is the elevation and improvement of his compatriots in the East. I shall now conclude, Sir, by calling on the hon. Gentleman to explain what he has done in reference to the prohibition of which I complain, and to say whether he will allow free circulation to the *British Star* through the British Post-office in Constantinople; and I hope, Sir, that the hon. Gentleman will be able to show, from authentic documents, that the state of things in Turkey is more satisfactory and more hopeful than has been described in the paper of M. Zenos, or in the Report of our own Commissioners.

Amendment proposed,  
To leave out from the word "That" to the

end of the Question, in order to add the words "an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copies of all Correspondence between the Foreign Office and M. Zenos in reference to the official announcement made to M. Zenos from the General Post Office, on the 3rd day of May 1862, informing that gentleman that directions had been given to the British Postmaster at Constantinople 'not to deliver, but to return to this country, all Copies of the "British Star" which might reach his office.'

"Of the Correspondence between the Ottoman Government and Her Majesty's Ambassador at Constantinople in reference to the application, on the part of the Ottoman Government, to prohibit the transmission of the 'British Star' through the British Post-office at Constantinople; and between Her Majesty's Ambassador at Constantinople and the Foreign Office:

"And, of Articles alleged to have 'incited to revolt against the Government and Laws of Turkey,' specifying whether they were Articles written by the Editor of the 'British Star,' or copied from other journals, with the date of their publication,"

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. MACEVOY seconded the Motion.

MR. LAYARD observed that the hon. Gentleman had placed a notice of Motion on the paper for an Address for copies of correspondence relating to M. Zenos and his newspaper, and he (Mr. Layard) had come down to the House under the impression that the hon. Gentleman would confine himself to that subject. Instead, however, of that being so, the hon. Gentleman had gone over the whole Turkish question, and he must add that he had himself been treated with little courtesy by the hon. Gentleman, who had made a personal attack on him of a serious nature. Of that attack he had had no notice whatever; and therefore he had come down to the House unprepared to meet it, but he would do his best to discuss the matter with all the temper and discretion he could command, though labouring under great provocation. Before going into the question of Turkish finance, he would explain to the House the position in which the Government were placed as regarded M. Zenos and his newspaper. The Turkish Government, with a liberality unknown in any other country, permitted the English Embassy to have a post-office at Constantinople, through which letters were distributed to British subjects and others, without any interference whatever. Up to that day there had never been any complaint on

the part of the Porte of the manner in which the business of that office was conducted. The letters were delivered by our own agents, and there was no instance of a letter having been stopped or opened. With other nations this country had postal conventions, in which there was almost invariably a clause stipulating that each nation should have the right of refusing to deliver any printed papers which might be considered opposed to the laws and regulations of the country; and the British Government had no voice in the matter. It was well known that the authorities in a neighbouring nation sometimes took offence at a facetious publication published in this country, and stopped its circulation among their people, but the British Government never thought of calling for an explanation. His hon. Friend had denounced what he called the heinous despotism of the Turkish Government because they wished to do the same thing, and had used terms in speaking of that Government which were highly reprehensible as applied to a Power with which this country was in friendly alliance? The hon. Gentleman's complaint was, that the Turkish Government had prohibited the circulation of a paper containing articles which he himself described as most inflammatory. Those articles, they were told, sought to undermine the authority of the Sultan, and denounced the established religion of Turkey. Well, was it surprising that the Turkish Government should object to the circulation of such articles? He would remind the hon. Gentleman, that if he directed his attention to another quarter, he would find that the complaints which he urged against the Turkish Government would there be far more applicable than in the present instance; for he must be well aware that under the dominion of the Pope publications which contained doctrines not in accordance with the views of the Roman authorities were not only prohibited, but their authors consigned—over and above being liable to criminal punishment in this world—to everlasting perdition in the next. The Turkish Government objected to the publication in question on grounds which were quite intelligible. They alleged that it contained articles systematically hostile to the ruling Power, and that it habitually instigated the subjects of the Sultan to rebellion against his authority. Under those circumstances they naturally asked whether it was fair that the privilege of having a post-office under our own control which

they had granted us, should be taken advantage of, to disseminate such treasonable matter, and be made the instrument by which disaffection and disobedience to the law were incited. Let him suppose that, in answer to such an appeal, the English Government had replied, that they would insist upon the paper in question being circulated; would not the Turkish authorities have been justified in saying, "If you choose to avail yourselves of a privilege, which we with such unexampled liberality grant you, to exercise it in this way, we must, in justice to ourselves, withdraw it altogether?" But the hon. Gentleman was entirely wrong in asserting that the Government of this country had suppressed M. Zenos's newspaper. He might still send it through the Austrian or the French post; nay, he might try even the Roman post. But, to bring the matter to a closer issue, let him suppose that a French post-office, such as that which was established by the English Government in Turkey, existed in Dublin, and that by its means documents were circulated throughout the country denouncing the oppression under which the people of Ireland were suffering, and urging them on to rebellion—would the English Government not have a right to remonstrate with France and to take the necessary steps to prevent such a privilege as that which she enjoyed being thus abused? So far as the papers asked for by the hon. Gentleman—were concerned, he had not the slightest objection to produce them, with the exception of those embraced in the concluding paragraph of his Motion, which he was obviously unable to give, inasmuch as it called upon him to say which articles were or were not written by the editor of the *British Star*, or which were those copied from other journals. He could not possibly say what articles were written by M. Zenos, and any such Return, therefore, it would be impossible to give; but if he would be satisfied with the correspondence which had taken place between the Foreign Office and Her Majesty's Minister at Constantinople, and M. Zenos himself, he should have much pleasure in producing it. The hon. Gentleman, he might add, had charged his noble Friend at the head of the Foreign Office with inconsistency, but it was doubtful whether the hon. Gentleman had not in the fullest extent laid himself open to that charge, because, while he accused the Turkish Government of being the vilest of despots, he yet represented the free Greek Govern-

ment of which he spoke with so much enthusiasm, as calling upon the Porte to suppress a paper circulated in Turkey which reflected upon the Government of Greece. In fact, it was the Greek Government which had instigated the Porte to ask for the withdrawal of the permission to M. Zenos to send his newspaper through the English post, because that paper contained articles hostile to the Greek Government. He had, he thought, now stated sufficient to show the House the grounds on which the Government had acted in the case of M. Zenos. M. Zenos was perfectly free to circulate his papers, but he was not free to abuse the privilege of the British post. He would now turn to another topic dwelt upon by the hon. Gentleman, who had ventured to insinuate that he (Mr. Layard) had made a speech in that House in favour of Turkish finance because he was interested in it as the recent chairman of the Ottoman Bank, and one of its shareholders. Now, he would not condescend to answer or deny such a charge coming from such a man. He had certainly made in the course of the Session a statement on the subject of Turkish finance, and to that statement he still adhered.

**MR. SCULLY:** Sir, I rise to order. I beg to move that the words just used by the hon. Gentleman be taken down. I submit it is unparliamentary to apply such words to any Member of this House, I do not care who he is. Indeed, the hon. Member to whom they are applied in the present instance, so far from being a friend of mine, has always shown himself to be my personal enemy. But, be that as it may, the words "such a charge coming from such a man" are clearly unparliamentary, and I therefore beg to move that they be taken down by the clerk at the table.

**MR. MAGUIRE:** I would wish to observe, Sir—["Order, order!"]

**MR. SPEAKER:** The words which the hon. Gentleman wishes to be taken down must be exactly those which fell from the hon. Member for Southwark.

**MR. SCULLY:** I cannot be expected to vouch for the exact words, but I understood the hon. Gentleman to use these words:—"I cannot be expected to answer such a charge coming from such a man." I move that they be taken down, but I was in hopes that the hon. Gentleman would explain.

**MR. LAYARD:** If, of course, Sir, I have used words which are unparliamentary, I

should at once submit to any decision with respect to them which you might think proper to pronounce. I should withdraw them if you think I am called upon to do so. You, Sir, heard what the hon. Gentleman opposite said. He accused me, in language not to be mistaken, of unparliamentary and dishonourable conduct. He stated or insinuated that I had made a speech in this House by means of which I endeavoured to force up the Turkish Loan. That, at all events, was the impression he left on my mind. He used the words "rigging the market," and seemed to wish the House to suppose, that because I had recently been chairman of the Ottoman Bank and one of its shareholders, I made the speech in question with the object which I have indicated. Now, I venture to say that so serious a charge as that has scarcely ever before been made in this House against one of its Members, and I certainly did reply to it, as I submit I was perfectly justified in doing, by saying I should be doing what was inconsistent with my character as a man of honour, as a Member of the Government, and as a Member of Parliament, if I condescend to answer such a charge coming from such a quarter. I have no wish to retract those words.

MR. DISRAELI: I understand there is a question as to whether the words should be taken down. Certainly, if the hon. Gentleman had simply used the phrase "from such a quarter," his language would have been Parliamentary. In using, as he did, the words "such a man," he must, I think, have spoken inadvertently in the hurry of debate, and I am the more inclined to that opinion because in his previous observations he referred in the most courteous terms to the hon. Member for Dungarvan, for he distinctly called him three times his "hon. Friend." Indeed, so much struck was I by the remarkable courtesy thus exhibited by him, notwithstanding the peculiar expressions used by the hon. Member for Dungarvan with respect to his relations in connection with the Turkish Loan, that it was a matter of observation on the part of my hon. Friends by me and myself that Parliamentary courtesy had never in all probability been strained to such a degree before. I looked upon the hon. Gentleman, in short, as setting all of us a very good example. But now, as this painful misconception has arisen, I think the House will be of opinion that

*Mr. Layard*

the hon. Gentleman used the words "such a man," which were clearly unparliamentary, and could not be tolerated, inadvertently; and I feel assured he will recall them, and express his regret that he did not use the words "such a quarter," which, I believe, would not be out of order. That being done, the question might be considered as settled, and we should be able to proceed with the discussion.

VISCOUNT PALMERSTON: Sir, I may be allowed to say that I think both hon. Gentlemen have, perhaps, somewhat overstepped those limits within which, on cooler reflection, they would, I am sure, admit it is desirable to keep. In the first place, the hon. Gentleman the Member for Dungarvan used very offensive, I may almost say unparliamentary and unbecoming language, as between gentleman and gentleman, in accusing my hon. Friend near me of being influenced in his Parliamentary conduct by private motives. That was a charge which everybody must feel that one Member ought not to have launched against another. It was an accusation which no gentleman, conscious of its injustice, could hear made against him with the calmest temper in the world, and I am not surprised that my hon. Friend should have replied to it in words somewhat overstepping the usual courtesy of debate. The House will recollect, moreover, that the hon. Member for Dungarvan laid himself open in a peculiar manner to such a retort from my hon. Friend, because he said in the course of his speech that he did not make the statement he was addressing to the House upon his own knowledge or authority, but upon information derived from somebody else. I must say, that if an attack should be made upon my private character by a man who says that he does not speak from his own knowledge, but from the instructions of another person, I should hesitate before condescending to answer "such a charge coming from such a man." My hon. Friend, I am sure, will not insist upon words which may be considered unparliamentary, but will at once submit to the decision of the House and withdraw them.

MR. MAGUIRE: I shall be glad at any time to settle with the Under Secretary any personal matter which may arise between us. My object, however, in rising now is to make an explanation, for I think there should be no misconception as to the real meaning of what I did say.

Perhaps I was infelicitous in the words I used, but I never intended to imply that the hon. Gentleman was actuated by any base motive of personal interest in advancing the Turkish loan. I endeavoured, on the contrary, to guard myself against that misconception by saying that I had too high a respect for the character and position of those who occupied seats on the Treasury bench to imagine for a moment that they would lend themselves to what would be disgraceful. That was what I stated and I have only to repeat, in conclusion, that I shall be happy to meet the hon. Member anywhere he pleases to discuss our personal matters.

MR. LAYARD said, that after the statement of the hon. Gentleman he would be happy to bow to the decision of the House, and withdraw any expression which might be considered unparliamentary. He was satisfied, at the same time, that the House would not expect him to make any explanation as to the charge which the hon. Gentleman had, if not made, at least insinuated, against him. He would therefore pass over that subject. As to M. Zenos, who seemed to think that he (Mr. Layard) was actuated by a feeling against him in consequence of any articles that he might have written in his newspaper, all he could say was that he did not believe he had ever seen a copy of the journal in question. He had certainly never read one of its articles. Nor was he aware that the House would wish him to follow the hon. Gentleman into a long discussion upon Turkish finance; but, at any rate, he might be permitted to say a few words upon one or two points which somewhat affected his personal character. The hon. Gentleman had charged him with making a statement not founded in fact when he informed the House that the Turkish debt amounted to only £14,000,000. He had already, in reply to the hon. Member for Devizes (Mr. D. Griffith), reminded the House, that when he said the debt of Turkey did not exceed £14,000,000, he distinctly stated that he referred exclusively to the foreign debt. [A gesture of dissent from Mr. DARBY GRIFFITH.] The hon. Gentleman shook his head, but he would read from *Hansard* the words he used. The words were—

"That the foreign debt of Turkey amounted to £14,000,000, and that the whole of the interest on her foreign and domestic debt was only one-eighth of her revenue."

If any one would consider this for a moment, he would see that he could not have

spoken of £14,000,000 as the whole amount of the indebtedness of the Porte, because one-eighth of the total revenue was a great deal more than the interest upon £14,000,000. Besides, at the time he was discussing the question of foreign loans. The hon. Gentleman had also charged him with suppressing the Report of Lord Hobart and Mr. Foster, because he knew that its publication would destroy public confidence and render abortive the endeavour to raise a Turkish loan. It would be recollect that some time ago the hon. Member for Chichester (Mr. Freeland) moved that the Report in question should be laid on the table. At that time the Report had just been received. It was a document of a very peculiar character, and arose out of somewhat singular circumstances. The Turkish Government, wishing to reform its finances and introduce extensive changes into its administration, had asked our Government to allow two gentlemen well acquainted with financial matters to go to Constantinople to assist in carrying out this reform. In compliance with that request two gentlemen of great ability—Lord Hobart and Mr. Foster—had been selected for the purpose, and had gone to Constantinople. The Turkish Government had concealed nothing from them, had thrown everything open to their inspection, and had behaved towards them in the most courteous and generous manner. The Commissioners, if such they might be called, had made a full and detailed Report upon Turkish finance, and upon the resources and financial administration of the country. When the hon. Member for Chichester brought forward his Motion, it was stated that the Government had no objection to lay the Report on the table; but that, inasmuch as it concerned the most vital interests of the Turkish empire, and had been made for the Turkish and not for the English Government, they would not think themselves justified in presenting it to Parliament without first obtaining the consent of the Turkish Government. Immediately afterwards the Turkish Government were consulted on the subject, and, with unheard-of liberality, they at once agreed to the publication of the Report. Let the House recollect what that Report was. It examined into every part of the Turkish Administration; it showed up every weak part of the Turkish empire; it was remarkably minute and penetrating, and spared nothing which deserved con-

demnition, and yet the Turkish Government did not hesitate to allow it to be laid before the British Parliament. He doubted whether there was another Government in Europe which would have permitted such a Report, made at its own request by the agents of a foreign Power, to be published ; and he thought the Turkish Government were entitled to great credit for the liberality they had shown in the matter. The hon. Gentleman had said that if the Report had been published at once, down would have gone the Turkish loan. Why, the Report had been published, and the Turkish loan was higher now than it was before the Report came out. At that moment, he believed, the loan was at £4 premium, so that the publication of the Report, instead of lessening, had increased public confidence. He might state, moreover, that the Report was communicated to the contractors for the loan before it was laid before Parliament. It was so communicated because our Government wished the contractors to have the whole case fairly before them ; and it was submitted to them, too, with the express sanction of the Turkish Ambassador. The hon. Gentleman had gone into details upon the authority of M. Zenos' statements ; but no one could have known better than M. Zenos that many of those statements were entirely untrue. M. Zenos was a Greek, and must be supposed to know well what he was writing about. He would show how the hon. Gentleman had nevertheless been misinformed by M. Zenos. First he made an attack on Achmet Vefyk Effendi, a personal friend, he (Mr. Layard) was happy to say, of his own, and a man of genius, and of the highest honour and the most unimpeachable honesty—a man who was never, as the hon. Gentleman had affirmed, dismissed from the Turkish Government ; but who had resigned more than once, because he was asked to do things which he did not believe to be compatible with his integrity. It was not true that when he stated to the House that the Turkish Government had put Achmet Vefyk Effendi at the head of the Finance Committee he knew that he had been dismissed. He did not know that Achmet Vefyk Effendi ever had been dismissed. On the contrary, he knew that his career had been most distinguished and successful, and that he was now at the head of a most important Department of State in Turkey. The hon. Gentleman had stated that the Turkish customs were farmed.

*Mr. Layard*

Some, no doubt, were, but all the customs were not farmed. It was impossible to carry out any sweeping measure of reform in a single day ; but already the Turks had taken a large portion of their revenue from the farmers, and he believed that eventually they would have the collection of the whole in their own hands. The hon. Gentleman had also asserted that Franks were not allowed to work mines in Turkey. All he could say was that there were Franks working mines at the present moment.

MR. MAGUIRE : I quoted from the Report that the Franks were not allowed to work mines.

MR. LAYARD said, he had been often in Turkey, and had never heard of any such restriction, and he knew that foreigners were working mines in Thessaly and in other parts of that empire. Then the hon. Gentleman said that Christians could not hold land in Turkey. That statement was utterly at variance with the fact, because half the subjects of the Sultan were Christians, and they held land as well as the other subjects of the Sultan. It was true that foreigners could not hold land in Turkey. The hon. Member was surprised that such a state of things should be possible, and asked whether it would be tolerated in England ? Why in England by the law no foreigner could hold land. Then the hon. Gentleman taunted the Turkish Government with such charges as taxed the credulity of the House, for he said that any woman might hold land in Turkey because she might be taken possession of for certain purposes. When such a statement was made, he hardly knew how to answer it, except by saying that the person upon whose authority the hon. Gentleman spoke had wilfully and designedly misinformed and cajoled him. The Turkish Government very liberally allowed foreigners to hold land by permitting them to avail themselves of a fiction of the Mohammedan law, and to have the deeds made out in the name of any woman in Turkey, all women by a legal fiction being considered subjects of the Sultan, and a large amount of Catholic and other church property in the East belonging to foreign institutions was actually held and registered in the name of the Virgin Mary. A large number also of English, French, and other foreign subjects, held land in Turkey merely by having it registered in the names of ladies who were not even Turkish subjects, and

the hon. Gentleman could not find a single instance in which this vile despotic government, as he chose to call it, had acted upon its right, and had interposed with property so held. The hon. Gentleman said that Christians were not allowed to give evidence in courts of justice. That was not the case, as in the commercial courts their evidence was received like that of Mussulmans, although in criminal cases it was not received as of the same weight as that of Mohammedans. But a similar state of things existed in countries boasting of high civilization. Did the hon. Gentleman know the position of Protestants in the Romish States, and the disabilities under which they laboured? Did he know that Protestants in Spain were not allowed to give evidence? Did he know that the other day a case came before the English Foreign Office, in which an English Protestant lady at Rome, married to a Roman Catholic, was refused a passport to enable her to join her husband, who was dangerously ill in England, and that it was only when she allowed the passport to be made out in her maiden name, thereby acknowledging that she was not legally married, that the prohibition was removed? ["Question!"] Those were subjects upon which he should certainly not have touched if the hon. Gentleman had not himself gone into them. He came down to the House unprepared to discuss anything but M. Zenos and his newspaper; but when the hon. Gentleman got up and attacked Her Majesty's Government and the Government of Turkey, and by implication the Italian policy of the Government, and he endeavoured to reply to those attacks, he was told that he was not speaking to the question. The hon. Gentleman had quoted the case of M. Zenos as an instance of a Christian not being able to hold land in Turkey. What were the facts? M. Zenos—this man who had been denouncing and attacking the Turkish Government—wanted to buy land in Smyrna. He was informed that he could not buy land for himself; but if his sister was still a Turkish subject, he might buy land in her name, and nothing would be said about it. Was that a liberal proceeding on the part of the Turkish Government, or was it not? No Government could have shown more liberality in that or in any other matter than was shown by the Government of Turkey. He thought he had answered the principal points of the hon. Gentleman's speech;

and as regarded M. Zenos, he would recommend him not to trust him again. M. Zenos pretended that his paper, as prepared for circulation in Turkey, was purely scientific and literary; but after what he had heard that night he thought the Government were entirely justified in refusing to allow their post-office to be made the vehicle for the circulation of such matter as that newspaper was admitted to contain. He could only say further that the Government did not pretend to be the judges of what effect the articles might produce, that was a question for the consideration of the Turkish Government alone; but no Government, acting honestly and fairly, could refuse the request of a Power, which had granted to it such privileges as the Porte had granted to this country, not to allow those privileges to be taken advantage of for the purpose of circulating matters dangerous to the peace of the country, and detrimental to the authority of the Sultan. He was quite willing to lay before the House all papers upon the subject, except the articles, of which he had no knowledge whatever.

MR. BRIGHT: I am very sorry that this question has become a matter of contest between the partisans of the Turks and the partisans of the Pope. Whatever I may think of the wisdom of an attack on Turkey, I cannot consider that these incessant attacks on the Pope from the Treasury Bench are either very judicious or very statesmanlike. There are six millions of Roman Catholics in the United Kingdom, and I find constantly that there is nothing which comes from the Treasury Bench so likely to obtain a cheer in certain quarters in this House as an attack upon anything connected with Rome, with the Pope, or the Catholic Church. I shall not be suspected of being a partisan of the Pope, or of the Catholic Church; but I say so much on behalf of the harmony and good feeling which I wish to preserve among all classes of the people of this kingdom. Now, notwithstanding that so much has been said with regard to Turkey, which has rather covered and concealed the case which was originally brought before the House, I still think there is a case which it is worth while to attend to for a few minutes longer. This M. Zenos, of whom the hon. Gentleman speaks with so much contempt, is a gentleman who has lived many—I think fourteen years or more in this country as a merchant of great respectability. He is

part owner, and I believe agent, for a most extensive line of steamboats between this country and the Levant. He is a gentleman of education, and very far above the average of men that we are accustomed to meet with. He has not established this paper for the purpose of pecuniary advantage. It has been at work, I believe, about two years, and I think I am not mistaken in saying that during those two years it has been a loss to those who have conducted it of at least some thousands of pounds. The paper is one of the very first character as to the manner in which it is got up. The subscription for abroad is three guineas a year for one paper per week. That, I think, is something about 1s. 3d. per copy. This paper, as my hon. Friend the Member for Dungarvan has already shown, is printed in the Greek character and language, and nothing that I have seen in the press here can be said to be much, if at all, superior to it. There are advertisements. I suppose the Greeks are very fond of cosmetics, for I find in it many advertisements of those articles. This side—[the hon. Gentleman held a copy in his hand]—is devoted to commercial news, and another is taken up with correspondence. Here there are pictures, such as the *Illustrated London News* and other papers publish; here is an Indian story; after that comes general literature. Here there is another page of pictures, and here is a page which is called statistics, containing facts and statistics of all countries in the world. Here is a page containing extracts and varieties, and then we have a portrait of General Scott of the United States. There are two or three pages giving a graphic description of the Exhibition; and in the political part, some of the debates in this House, or extracts from them, have been given, particulars of courts of justice, and notices of eminent men in this country. The fact is, that M. Zenos is, perhaps, more English than any one here—much more English than the hon. Member for Dungarvan is, according to his own admission. He is an enthusiast in favour of everything English. His object in starting this paper has been to endeavour to enlighten his fellow-countrymen wherever they are in all matters connected with English thought, and opinion, and practice, and literature, and government. I do not well know how a man, a Greek by birth, living in this country, and having acquired sufficient means, could more display his patriotism or his worth as

regards his own country than by the course which he has taken. His object has been to enlighten and elevate the Christian and the Greek population of the Levant. The hon. Gentleman has made no kind of answer to the statement of the Member for Dungarvan, with regard to the particular correspondence which was brought before the House. The original letter declares that the Turkish Government alleged that there were articles in this paper adverse to that Government, and tending to destroy order in the Turkish empire, and that they were bound to suppress it. I do not want at all to make any claim for M. Zenos which is not in my mind entirely reasonable. I will admit, that if he had been in the habit of writing articles such as have been impugned, intended and likely to be mischievous in Turkey, in a political sense, the Government might, with a degree of fairness, have taken a hint from the Turkish Government, and have informed M. Zenos that if that course were continued, they would no longer introduce his paper into that country; and then M. Zenos might have changed his course or not, as he thought proper. But when they make their statement to M. Zenos, what does he say? He says, "Here are two or three pages of this paper which are entirely political, but all the rest contains no politics whatever. I will take out every word that is political. They shall not know anything in the least in the Levant as to whether they are living under a despotism or under a republic, and I will say nothing as to what is going on in the Turkish empire." Surely that promise would have met the case—because the remonstrance of the Turkish Government was based entirely upon these political articles, and upon the effects that might be produced in the empire of Turkey. And when M. Zenos writes to the noble Lord at the head of the Foreign Office, he says, "I will take all politics out; I will insert nothing but literature and art; nothing but that which you say elevates and ennobles in the West will I send to the East; will you allow my paper then to go?"—he receives a very short letter indeed. It is not argumentative, it is not explanatory, but it is curt and all but offensive. The thing, he is told, cannot be done—the paper cannot be carried, and there is an end of M. Zenos and the *British Star*. Well, I think he had a fair right when he took away the ground of complaint to expect

*Mr. Bright*

that his case should be at least reconsidered; and that it should have been found that he had transgressed the line laid down for him before his paper was subjected to what is tantamount to suppression. The hon. Gentleman the Under Secretary has not told us whether, when M. Zenos made this answer to Lord Russell, any communication was had with Sir Henry Bulwer at Constantinople, or whether Sir Henry Bulwer communicated with the Ottoman Government. It is just possible that the Ottoman Government, which the hon. Gentleman has described as being liberal beyond every other Government, if it had known that this paper henceforth was not to have a single paragraph of politics in it, would have consented to its coming into that country for the purpose of instructing its people. The noble Lord at the head of the Government has said there is no country which has made such advances in civilization as Turkey within the last twenty or thirty years. If that be true—and I know it is not true—but if any portion of it be true, or any approximation to it be true, then surely the Turkish Government would not have objected to the introduction of this periodical, when all politics had been taken out of it. One other point only deserves notice. European Turkey contains, as the hon. Member for Dungarvan has said, at least 11,000,000 Christians of one name or other, and about 2,250,000 or 2,500,000 Mahometans. Well, everybody must see that Turkey in Europe in point of fact, except in its feeble Government, is Christian. This paper is directed specially to improve that large population. I have always understood the noble Lord at the head of the Government to have what I should call an almost fanatical wish that there should be an intimate connection between Turkey—and particularly between Turkey in Europe—and the people of England. But how could that object be brought about more completely, more certainly, than by the circulation in that country, and amongst that population of such a paper as M. Zenos prints, apart from politics, which he is willing to take out of it? It seems to me, that we are following a bad example. I am told that in Odessa the Russians did not want this paper to circulate—that the Austrians, in order that they might suppress it amongst such portion of their population as are Greek, placed upon it a very onerous postage tax, and sometimes kept it in their offices for weeks and did

not deliver it, until at length it was suppressed there. And there remained only Constantinople, and that part of Turkey where any considerable circulation of this paper was to be obtained. Now, I complain that the Foreign Office, in my opinion, acted needlessly and with great hardship in this matter. They appear to me to have acted with love rather than with reluctance at the urgent request of the Turkish Government. Although M. Zenos proposed to take out of his paper every word of politics, the English Foreign Office, without consulting the Turkish Government as to the proposed change—and, so far as I hear, instead of giving any explanation whatever—merely adhered to their former declaration, and withheld their means of conveying the publication to Constantinople; and this gentleman, who, I venture to say, does not deserve in the least the sneers and contempt of the Under Secretary of the Foreign Office, is prevented from doing that which I believe would be a patriotic and useful act. I object to this, not only on the ground of what is due to M. Zenos, but on the ground of what we value most—with regard to freedom of the press. I object to it because I believe that it would be greatly to the advantage of the population of Turkey in Europe if that population could have access through this paper to those vast stores of information which are open to the people of this country and Western Europe. And I believe that the time will come when the Christians and Greeks of Turkey in Europe will form Turkey in Europe; and that whenever that day comes—as it must come before long—it will be beneficial to them and also a great political and commercial advantage to us that they should be thoroughly intimate with the thoughts, and habits, and character, and practice to be found in this country. On these grounds, therefore, I think that the hon. Gentleman and the noble Earl, who is his chief at the Foreign Office, have behaved with a suddenness, I may say a harshness and unreasonableness, which I did not expect. I would not have complained if they had only followed the Turkish Government so far as politics went. But I say, in my opinion they had no right to go further than that. I regret very much the matters which have been needlessly introduced into this discussion, and given rise to some unpleasantness; but, nevertheless, I hope the noble Earl at the Foreign Office will reconsider this question,

and that this property of M. Zenos may not be wholly destroyed, nor his patriotic attempts entirely frustrated.

MR. H. A. BRUCE said, that the charge which had been insinuated by the hon. Member for Dungarvan against his hon. Friend the Member for Southwark was even more offensive than if it had been more directly made ; and having himself, as a director of the Ottoman Bank, a personal knowledge of the matter, he was able to give—and should feel ashamed of himself if he had not risen to give—his direct denial, on his honour as a gentleman and a Member of that House, to the charge so insinuated against his hon. Friend. He could appeal to facts which would carry conviction to the mind—he would not say of the hon. Member for Dungarvan, but of every person who would consider the subject in a fair and candid manner. The views of his hon. Friend the Member for Southwark with respect to the resources of Turkey had been known ever since he first sat in that House ; and there was nothing new in his affirming that with good management the finances of that country might be put in a sound position. His hon. Friend became chairman of the Ottoman Bank ; and when he ceased to be so, he was appointed Under Secretary for Foreign Affairs. It might, therefore, have been thought, when the Turkish Government wanted a loan, that the Ottoman Bank was the right quarter to apply first to in the matter. But was that done ? The loan was issued to a respectable firm at Constantinople ; and when its representatives came to London to get it negotiated, they went straight to an eminent house in the City, and it was only when driven by refusals on all sides and from all other bodies that they came near the Ottoman Bank. When they applied to that bank, the answer of its directors was, “ We believe we can issue this loan upon certain conditions ; but, having some years before been interested in the issue of a loan for the purpose of placing the finances of Turkey in a healthy state, we decline altogether to have anything to do with this one without having some sort of security that it will be applied to the purposes for which it is raised.” The question then arose what means should be taken to secure that object. The Ottoman Bank, after considering the matter, informed both the Turkish Minister and the negotiators of the loan that unless the English Government would appoint some person to see to its proper

application they would have nothing to do with it. The Turkish Ambassador communicated with Her Majesty’s Ministers on the subject, and they thought it of sufficient importance to appoint a person to superintend the proper application of the loan. These were the simple facts of the case, as far as his hon. Friend was concerned ; and he begged to give his most solemn assurance that the conduct of his hon. Friend the Under Secretary throughout the whole matter was most guarded and most delicate, and that any insinuation to the contrary was most cruel and most unjust.

SIR ROBERT CLIFTON said, he thought the hon. Member for Dungarvan would have done well if he had translated the article which had been the cause of the difficulty, and the House would then have been able to judge whether it was of such an inflammatory character as to justify the Government in stopping the circulation of the paper in the Turkish dominions. He must confess that after the promise of M. Zenos that the paper thenceforth should contain no political matter, he did not see why his first offence should not have been pardoned. The hon. Gentleman the Under Secretary of State also might have laid the objectionable article before the House to enable them to form a correct opinion upon the matter. He thought also that the hon. Member for Dungarvan had been very much misinformed as to what had taken place in Turkey since the accession of the present Sultan. It was well known that the Sultan was doing everything in his power to extend trade and commerce, by granting concessions for new lines of railway, and by improving the harbours in his dominions. It was not, however, to be expected that a Government which at one time had nearly fallen to the ground could move as fast as the hon. Member for Dungarvan, or as fast as he might wish. From his own experience he could bear testimony to the great abilities and extended knowledge of Achmet Effendi, who had earnestly devoted himself to the interests of his country.

THE ATTORNEY GENERAL said, there was one important point upon which there appeared to exist some misapprehension—the position of Her Majesty’s Government, and the responsibility of its officers in relation to the subject before the House. The question had been treated as, in effect, the same as if the

Post-office in London had refused to circulate newspapers in this country. But the case was really very different. It was competent for any foreign Government to maintain a post-office or not, as it chose. It was competent for any foreign Government to decline to circulate letters or journals from foreign countries. Such a course, however, though not open to complaint on international grounds, would yet be considered churlish and unneighbourly, and was not adopted by any of the nations of Europe. Any independent Government, deeming it convenient to afford postal facilities to its subjects, could retain the control of the post-office in its own hands. When a post-office was established, the Government having the power to refuse to allow it to be made the medium of circulating journals from abroad, it was only by convention that any Government could obtain from any other, as a matter of right, the use of its post-office for the distribution of correspondence and journals. Many such conventions existed, but it was an invariable condition that the Government consenting to give the facilities should have the right to refuse to deliver printed papers, the importation of which was prohibited by the laws of the country into which they were sent. Under no convention could a foreign Government be expected to assist in the dissemination of journals hostile to itself. This country had made no convention with Turkey, and therefore they had no right to demand permission to circulate any letters or newspapers through the post-office in that country; but the Turkish Government had permitted the establishment of a post-office in Constantinople under the management of British subjects. Nothing could be more liberal than such a concession. Finding, however, that the particular journal of M. Zenos was passing through the British post-office, and being of opinion that its contents were calculated to subvert order and to promote revolution in Turkey, they communicated that opinion to the British authorities. They desired that the British authorities should no longer allow the post-office at Constantinople, which was itself a matter of indulgence, to be the medium of circulating such an objectionable journal. What, according to the law of nations, ought to have been the course pursued by the British Government, under such circumstances? He admitted that they were not bound to continue to avail themselves

of any indulgence upon terms dishonouring to themselves, but he contended that there was nothing dishonourable in listening to the representations of the Turkish Government upon the subject of this journal. They accordingly said to M. Zenos, "We don't sit in judgment upon your journal; it is not a matter for our consideration; but we are informed by the Turkish Government that they regard the *British Star* as dangerous to the peace and good order of Turkey, and therefore we cannot continue to transmit your journal to that country." The British Government might, as the only other alternative, have declared, that unless they were allowed to circulate the journal, they would give up the post-office at Constantinople, and put British subjects there to the great inconvenience of taking away from them these postal facilities. But he did not believe that even the hon. Member for Dungarvan would consider the circulation of the journal a point of so much importance as to warrant any such proceeding. In the absence of any convention, the Turkish Government, according to every rule of international law, were the judges as to the circulation of any printed matter in their dominions, and the British Government could have properly adopted no other course than that which had been complained of.

MR. SCULLY said, he thought that M. Zenos had a strong case upon high constitutional grounds, but the Attorney General had argued it on the lowest legal grounds. He (Mr. Scully) had moved that certain words used by the hon. Member (Mr. Layard) be taken down. The right hon. Gentleman (Mr. Disraeli), however, had reminded him that the Under Secretary (Mr. Layard) had used the words "hon. Friend" in speaking of the hon. Member for Dungarvan, and that was followed by the Under Secretary's explanation that by the word "man" he really meant "quarter." He confessed that he was surprised at such an expression coming from the Under Secretary. However, after the explanation made by the Under Secretary, who had cried "quarter," he (Mr. Scully) had no objection to grant quarter, by withdrawing his Motion. The real question before the House had been widely departed from in the course of debate, and it had nothing to do with the Ottoman Bank or with the state of Turkey. For the first quarter of an hour the hon. Member (Mr. Maguire) had got on very

well, and had made out a good case, but for the last three-quarters of an hour he had done harm to his client's cause by travelling into Turkish politics, which were altogether irrelevant. The Under Secretary, again, had, very unnecessarily and mischievously, said everything he could to incense and annoy the Roman Catholic Members of this House. The hon. Gentleman seemed to have a sort of monomania on that subject. Perhaps he was actuated by personal feeling. It could hardly be that he used that language as mere claptrap for Southwark, or to excite a passing cheer in this House. He had told a cock and bull story about some Protestant lady of his acquaintance. [Mr. LAYARD : No.] Well, then, of a lady whose acquaintance he disclaimed, or with whom he was only officially acquainted, and who seemed to be very much annoyed with His Holiness the Pope. All that sort of language was very mischievous, and in the mouths of Gentlemen in office was utterly inexcusable. Such Gentlemen ought to have a little more discretion than to indulge in that offensive language towards one-third or one-fourth of Her Majesty's subjects. It seemed, however, to be a practice on the part of some Members of the Government, and the right hon. Gentleman the Secretary for Ireland was especially fond of indulging in similar rhodomontade. [Sir ROBERT PEEL : I beg the hon. Member's pardon.] Then the right hon. Gentleman denies that he ever indulged in that way. At all events he hoped the right hon. Gentleman would never do so in future, and in that case he should be happy to give him plenary indulgence for the past. He would now pass to the real point at issue. M. Zenos had proposed that one-half of his journal, devoted to literary and scientific matters, should be allowed to pass through the post; while the question respecting the political half should be reserved for consideration, and he urged that he had been at great expense in getting up illustrations of the International Exhibition, which illustrations would be quite thrown away if the circulation of his journal were thus interfered with. The reply was that Earl Russell could not grant the request. M. Zenos asked for reasons, and he was told that the political character of the newspaper was sufficient to justify the prohibition. If *The Times* or the *Illustrated London News* were excluded from Rome, there would be elaborate explanations from

Earl Russell and the Under Secretary that it was entirely against their wish, but that they were forced to bow to the tyrannical, oppressive, and narrow-minded views of the Roman Government. In the case under consideration, however, it was plain that a very cool snub had been given to M. Zenos, when he requested to know why circulation was to be refused to a newspaper containing only literary matter, and some illustrations of the International Exhibition.

Mr. ROEBUCK said, he wished to make a practical suggestion. His hon. and learned Friend the Attorney General said, there were only two courses open to the Government. One was to accede to the request of the Turkish Government; the other, was not to accede to it, and to forego the privilege granted by the Porte. But there was another course. The Government might have said to the Turkish Government, "M. Zenos does not intend hereafter to introduce any political matter into the paper. Has the Turkish Government any objection to the circulation of such a publication?" Courtesy in office was a very great thing, and he would ask the hon. Under Secretary to turn his attention to it. A little regard for men's feelings and a little less curtneas would smooth many difficulties and overcome many obstructions. He believed, that if the hon. Member would apply himself to the art, and apply some of the powers of his mind to teaching it to the Turkish Government, there would be real advantage from the circulation of a paper which simply contained instruction for the inhabitants. It would be doing good to the people of Turkey; it would do no harm to England, and it would certainly do no harm to the hon. Gentleman himself.

Mr. WHALLEY said, that if the Government were to adopt the suggestion that had just been made, they would expose themselves to severe criticism, and would be trifling with the Turkish Government. The address of the hon. Member for Dungarvan did certainly appeal to his sympathies, but further consideration had altered his first impression of the case. He did not think that M. Zenos had been treated with too much curtneas, but the reverse. All the arguments raised had been derived from the departure from that official curtneas, which was really, after all, most merciful and most useful in such correspondence. If the hon. Gentleman had not given reasons, if he had not stated that the reason for the circulation of the paper

being prohibited was its political character, there would have been no ground for the appeal to the House, and no reasons for the debate. How was it possible to eliminate political matter from the paper? Who was to examine it? In literary and scientific articles an able editor might give a most complete exposition of his political views. It would be trifling with the Ottoman Government to adopt the suggestion of the hon. and learned Member for Sheffield. In reply to the reproofs that had been administered by the hon. Members for Birmingham and Cork, respecting the allusions that had been made to Roman Catholics, he contended that it was rather hard if their discussions were to be limited to the strict subjects of debate, and they were not to be allowed to refer to instances in past or contemporaneous history in illustration of their arguments. It was well known that there were instances in the history of Jesuitism of men who had avowed Protestant principles in public and in private, and that they did that the more effectually to promote the interests of the religion to which they really belonged. He did not say that any Member of that House was so unworthy as to suppress his own sentiments. He warned the House against supposing that whoever alluded to the conduct of Roman Catholics was therefore necessarily uncharitable, unchristian, and inhuman, because Members who professed to be Protestants thought fit to use such language. As to the language used by professed Roman Catholics, he did not think it necessary to allude to it.

MR. O'BRIEN bore testimony to the great liberality of the Turkish Government during the Irish famine, and said, that they had set an example in this respect which many Christian Governments might have imitated.

MR. P. A. TAYLOR said, that the Government might have maintained their position in a technical and diplomatic point of view, but they had not, in dealing with the matter, upheld as they should have done the traditions of England, in reference to the freedom of the press in a country where they were supposed to exercise a very prominent influence. The very existence of an English post-office in a country which knew nothing of freedom, was in itself an anomaly, and likely to place them in a position of great difficulty. The Government, however, as the hon. Member for Birmingham had remarked, seemed to rush and jump at the opportunity of

putting down this paper. The first thing they should have done was to ascertain if there was any foundation for the charge that was made by the Turkish Government. A similar application had been made by the Turkish Government to the Austrian Government respecting a paper published at Trieste; but the Austrian Government, before taking any step in the matter, sent an agent to Trieste to ascertain if there was any truth in the statement that sedition and revolution were preached in the paper. That was a different course from that pursued by Her Majesty's Government, which was one that did not reflect credit on them or upon the country. He trusted that the suggestion made by the hon. Member for Sheffield would be taken advantage of, and that even then tardy justice would be done to M. Zenos.

MR. DIGBY SEYMOUR said, he must protest against the somewhat extravagant charge, that the Government had taken a rush or a jump to put down the paper. There was nothing in the political character either of the hon. and learned Attorney General or of the hon. Under Secretary for Foreign Affairs to warrant such an accusation. The hon. and learned Attorney General had placed the question upon international grounds which were quite irresistible; but at the same time he hoped that the Government would not refuse to accept the suggestion of the hon. and learned Member for Sheffield.

MR. MAGUIRE said, that he would accept the papers which had been offered to him by the hon. Under Secretary of State.

*Amendment, by leave, withdrawn.*

#### THE JURY LISTS IN TYRONE.

##### OBSERVATIONS.

Lord CLAUD HAMILTON rose to call attention to the return, No. 232, entitled, "Tyrone Assizes (Jury Panel)," and also to the constitution of the Grand Jury panel at the late assizes at Omagh, and to inquire whether any steps had been taken by the Government to prevent the repetition of such conduct as occurred on that occasion. The noble Lord said that the subject was not merely of local importance as might appear from the notice he had given, but was of general interest, and involved no less important a question than this—whether Her Majesty's subjects in Ireland were entitled to trial by jury as by

law established, or were to be left to the caprice of partisan sub-sheriffs. He regretted that the Irish Government had taken no public notice of the gross scandal he was about to narrate, for it was impossible for him to avoid the names of individuals, and thus the case must assume somewhat the character of a personal attack on absent individuals, which was most repugnant to his feelings; but this duty was forced upon him by the neglect of the executive Government, and both he and his colleague had received remonstrances, almost amounting to censures, for not having sooner called attention to the subject. He was, however, happy to be able to add that he did not wish to invoke the rigours of the law or call for pains and penalties; all he required was a decided intimation from the Government that such an attack upon the pure administration of justice should not be repeated with impunity. The circumstances of which he had to complain were these: — A very clever and enterprising solicitor, by his influence with the sheriff, got the disposal of the office of sub-sheriff, which he gave to his brother, who was entirely under his control, and thus obtained complete power as to the making out of the jury panel. That power he exercised in a manner directly opposed to law, and in complete violation of the various regulations which had been made in order to ensure that neither malice nor caprice should have anything to do with the selection of jurors, and placed upon the panel the names of persons who were not qualified to act. He was, at the same time, engaged by the relatives of a deceased person to prosecute a prisoner who was to be tried at the assizes; and, in addition to all this, he appeared in the Grand Jury Room, and assisted to find the Bill against that person. The present High Sheriff was a comparative stranger in the county, and the responsibility therofore devolved entirely upon his representative, Mr. John McCrossan, a rising solicitor, well known for his successful exertions in party cases, and for his love of controverting judicial decisions. The law regulating the formation of juries was most clear and explicit. The time for publishing the lists of persons qualified, the opportunities for persons omitted to claim to be included, and for those anxious to claim exemption, are all clearly defined. There is subsequently a revising sessions; after this the jury book so made out is kept by the clerk of the

peace for him to hand to the sub-sheriff, a heavy penalty being attached to any tampering with it. This jury book when required is handed to the sheriff, and from it alone can he legally make out the jury panels. The Legislature, however, wisely enacted, that in case of any neglect or illegality in the jury book of the current year, the sheriff is to revert to that of the preceding year. The jury book for the year was duly made out, and contained about 1,500 names. Previously to each assize it is usual to publish about 140 names, selected from the jury book for the jury panel. This was done at the usual time this year; but previous to the assizes it was discovered that the sheriff, of his own caprice, had inserted twenty-nine names which were not in the jury book. An unfortunate case of homicide was to be tried at the assizes, arising out of a disputed case of possession, in which the young man killed turned out to be the nephew of the Roman Catholic Bishop of Armagh, while the person accused of causing his death was a Presbyterian. Religious feeling was at once strongly enlisted in obtaining a conviction, and with that object the services of Mr. McCrossan were secured. The charge contained in the Return printed by the order of the House was, that twenty-nine names more likely to acquit than to convict the accused were excluded, and twenty-nine persons more likely to convict than to acquit were illegally substituted. To explain the full bearings of this charge, he must give some details. He believed that in the whole population of Tyrone the Protestants were slightly in a majority, but in all cases requiring property qualification, such as the elective franchise or jury lists, they were in a great majority, about three-and-a-half to one. In the twenty-nine names illegally inserted, there were nineteen Roman Catholics to ten Protestants; whereas, if the proportion of the jury book had been maintained, there would have been about eight of the former to twenty-one of the latter. But he did not object to these persons, who were highly respectable, on account of their religion; had they all been Protestants, the illegality would have been equal; they were not in the jury book, and this was his only objection to them. When this serious charge was made in court, it was not traversed; the facts were not denied, but a demurser was put in admitting the facts, but denying that they vitiated the panel. This was discussed in court, and Judge

*Lord Claud Hamilton*

Christian retired to consult Judge Ball, and on his return he announced that they were perfectly agreed in opinion ; and he gave the following decision :—

" The sheriff did make up a jury list, and it was stated that the question of motive was a matter entirely in his own breast, and that it was impossible to produce evidence as to that. He could not see the impossibility, as it was nothing new for jurors to be called to determine motives which they can only know by evidence of the acts. It was only by the acts that they could arrive at the motives which prompted those acts. If, in the present case, evidence should be produced, it was not for him to say, but it appeared to him that he would, in the language of an eminent judge, ' be making the jury panel a mockery and a snare,' if he allowed a prisoner to be put on his trial by a jury packed in such a way as the present one."

As far as he had been able to learn, there had been no expression of reprehension on the part of the Government, though such might have been expected to follow the judgment of Mr. Justice Christian. He understood the sub-sheriff alleged that he had not got the book from which the juries were to be made out till a period very near the trial ; but that was not the fact, for he confessed to one of the judges that he had the book in his possession at the time he issued the summonses. There were other excuses put forward which were equally destitute of foundation. It was asserted that the jury book had never been made out legally in Tyrone, and various charges were made against the late sub-sheriff. If previous sub-sheriffs had acted illegally, it would be no justification of the present sub-sheriff for his violation of the law ; but he was able to deny, in the most distinct terms, the various allegations. Whilst excuses were made by some, Mr. M'Crossan was loudly praised by others for his bold conduct. His partisans state that he had equalized the panel. If sub-sheriffs in the south and west were to equalize juries by illegally inserting Protestants, it is clear that the law is wholly superseded. The law was intended to prevent partisan influence in the formation of juries and to exclude the exercise of corruption, malice, or caprice from the construction of jury panels. But supposing all these allegations were true, the sheriff was bound to obtain the jury book of the preceding year. It has been stated that the late sub-sheriff refused to deliver up this book. He was authorized by that gentleman to give the most positive denial to that statement. He was never asked for that

book ; and when the present sub-sheriff was sworn in, he offered him every assistance and any documents he might require. The jury book for 1861 was never demanded, and therefore could not have been refused. With regard to the second portion of his notice, he wished to state that he had no objection to Mr. M'Crossan as a grand juror as far as that gentleman's character or position were concerned. Some persons had doubted whether he was qualified by property, and certainly several persons, who had before served as grand jurors, and were present on that occasion, were not called, and he was selected ; but his objections to Mr. M'Crossan as a grand juror were entirely of a different kind. Mr. M'Crossan is a gentleman of great talents and experience in the law, and would be a valuable assistant in the fiscal business. His objection was that Mr. M'Crossan was largely engaged in the defence and prosecution of prisoners on trial. He considered that incompatible with the due performance of the duty of a grand juror ; and if drawn into precedent, it would produce the most mischievous results. Notwithstanding the grand juror's oath, it was impossible for any one professionally engaged not to be swayed by the interests of his client. It was wrong that the persons intrusted with all the secrets of the prisoners should be charged with finding the bills for the petty jury, and should subsequently conduct the case in the court below. In justice to Mr. M'Crossan, he must mention that that gentleman did not wish to attend to cases in which he was engaged. He was also engaged in the Civil Court, so that he could not attend to the duties he had sworn to perform. He was, however, obliged to attend in some cases against his will ; and in this very case of homicide, as the jury in his absence had failed to come to a decision, he was obliged to take part in the proceedings the next day, when the bill was found, he believed, by 13 to 10. The very fact of his asking to be constantly away, showed the impropriety of a solicitor of large practice in assize business being on the grand jury. The flimsy pretext of using another man's name, only showed Mr. M'Crossan's own sense of the impropriety of the position he occupied. It now only remained for him to ask the Government what steps had been taken to prevent a recurrence of this outrage on trial by jury. The Irish Government had apparently taken no part. This was the more ex-

traordinary, as its legal advisers had ample time on their hands to watch public events in Ireland. They had no Parliamentary duties to distract their thoughts or divert their attention. The very foundation of justice was endangered, great public distrust was created, yet they had given no sign of life. He called upon the Government to vindicate the due administration of the law, and to prevent such experiments by party sub-sheriffs in future. It must be borne in mind that these acts did not proceed from ignorance ; they were done deliberately, and have since been openly justified by a most experienced solicitor of great talents and practice. He is considered by his admirers and partisans to have gained a great triumph over the law, and he has been much praised for his bold proceedings. He must remind the House that justice should not only be pure, but it should be above suspicion. This unfortunate transaction had created wide-spread distrust in Ireland. He hoped his right hon. Friend the Chief Secretary would make a statement that would restore confidence and secure the future from a repetition of such attacks on trial by jury.

MAJOR KNOX said, that looking to the existing state of things in Ireland, it was a matter of the deepest importance that trial by jury should be properly conducted. What they had to look to in the case before them was whether the matter complained of was the result of ignorance or design. From information which had come to his knowledge, he believed it could be proved that it was the result of design. Soon after the rumour that the jury panel was about to be tampered with by the new sub-sheriff got abroad, he (Major Knox) met the High Sheriff in London, and that gentleman told him that the report was false, that he had appointed sub-sheriff one to whom he owed some kindness, but the sub-sheriff was to have nothing whatever to do with the selection of the jurors. He had read a letter to the right hon. Baronet which would show that the sub-sheriff did take part in the selection of the jury. The letter stated that Mr. McCrossan in a certain town of the county asked the head constable what persons in the town were respectable enough to sit on the jury ; that the head constable not having been long in the place was not able to inform him ; that he then applied to a constable, who at first refused to give the information, but did so at last by the

orders of the head constable ; and that the matter having come to the knowledge of the inspector, the head constable was afterwards removed. [Mr. VINCENT SCULLY: Name.] He had given the name to the right hon. Gentleman. He did not wish to see fines imposed ; but he thought the sheriff should be removed, not for any offence he had himself committed, but because he was responsible for the conduct of the sub-sheriff.

MR. M'MAHON said, he thought the noble Lord and the hon. Member who had brought the subject before the House, had failed in their duty in not concluding with a Motion for the prosecution of the sheriff, sub-sheriff, and Mr. McCrossan, for a conspiracy to pervert the course of justice. It was quite clear that the charges which had been made, if there was a particle of truth in them, ought to be investigated either in that House, or in a court of justice ; and as the previous speakers had omitted to wind up their speeches with a Motion for Inquiry, he would supply that omission ; for the sheriff, the sub-sheriff, and Mr. McCrossan all desired that a most searching investigation should be made. Mr. McCrossan had written to him, said that it was simply untrue, that he acted professionally in the Crown Court ; he was a grand juror, no doubt, but he was engaged in the Civil Court. Therefore that charge fell to the ground. For the first time since 1688 a Liberal sheriff had been appointed for the county of Tyrone, where it had been the custom to pack the juries most outrageously. He was informed that a large majority of the people in the county of Tyrone were Catholics, and that the jury list, if fairly completed, would exhibit the proportion of three Catholics to one Protestant. Yet the jury list had been so packed, that out of 160 names, but one was the name of a Catholic. With respect to the twenty-eight names now complained of, seventeen were the names of Catholics, and eleven the names of Protestants. The several persons put in the list were people of great respectability, and qualified to act as grand jurors. Mr. McCrossan said that the Orange faction were irritated at that alteration, because they had hitherto relied on the jury list for immunity for their "rowdyism," for it was the dregs of the community who were Orangemen. The Orange Society was a sort of Riband, illegal, and indictable society. He regretted that an hon. Member should so far lose his temper as to turn round and tell

*Lord Claud Hamilton*

him that this was grossly false ; and he questioned whether such language was Parliamentary. What, however, were they to expect from juries composed of such gentlemen ? What was the charge against Mr. M'Crossan ? That he had put twenty-nine names on the jury list which were not found on the jury book. What jury book ? The jury book of 1862 was to be given to him before the 1st of January, but he did not get it. What then was he to do ? At great expense and personal inconvenience he went through the county and made out a list, to which no objection could be made, except that a number of Roman Catholics were placed on the list. Instead of adopting the former system, he did what was right and proper ; but so addicted to jury-packing was every one connected with the administration of justice in the county, that when the case referred to came on for trial, the array was challenged by the prisoner on the ground that the sheriff had returned on it persons not qualified to serve, and omitted certain persons who were duly qualified to serve. The crown counsel took this extraordinary proceeding ; they demurred to the challenge, thereby admitting the facts stated, and the judge quashed the array, as he was bound in duty to do. The sheriff was directed to return a new array, and he returned the same jury in order that the traverse might again be tried. A like objection was taken, and the trial of Donnellan was adjourned. Another prisoner was convicted by the same jury, and nothing further was heard of the matter since until the present debate. If the parties who brought forward this matter were anxious for inquiry, they would support his suggestion that there should be the full investigation which Mr. M'Crossan, in justice to himself, demanded. He (Mr. M'Mahon) did not know much about the county Tyrone personally, but he thought that it ought to be purified, and the Orange "rowdies," who were the dregs of society, put in their proper position.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to inquire into the circumstances connected with the Jurors' Lists, Books, and Panel in Tyrone since 1846, and particularly at the last Assizes, and generally into the mode of appointing Public Prosecutors, and the conduct of Criminal Prosecutions in Ireland,"

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

CAPTAIN ARCHDALL said, the hon. and learned Gentleman admitted the fact that he knew nothing whatever about the county of Tyrone, and his statement with respect to it might be taken for what it was worth. With regard to his attack upon the Orangemen, it was both unnecessary and uncalled for, and he (Captain Archdall) repeated what he had stated, while the hon. and learned Gentleman was speaking—namely, that the statement was entirely false and without foundation.

MR. SPEAKER : I am sure that the hon. and gallant Gentleman will see on a moment's reflection that he has used words which ought to be withdrawn.

CAPTAIN ARCHDALL : I bow, Sir, to your decision ; but I belong to the Orange Society, and I cannot allow it to be put on a par with the Riband Society without giving it the most distinct contradiction.

MR. SPEAKER : The words used were "entirely false and without foundation;" they ought to be withdrawn.

CAPTAIN ARCHDALL : But what the hon. and learned Member has said with respect to the Orange Society is false.

MR. SPEAKER : I must repeat that the hon. and gallant Gentleman has not expressed himself in proper language.

CAPTAIN ARCHDALL : Then, Sir, I withdraw the words I used, but what I meant to say was that the statement of the hon. and learned Member is entirely contrary to the fact.

MR. O'BRIEN said, he rose to order. The hon. and gallant Gentleman had applied the epithet "false" to the hon. Member (Mr. M'Mahon). He (Mr. O'Brien) believed it was not Parliamentary on the part of any hon. Member to use a phrase of that kind.

MR. SPEAKER : The hon. Member has withdrawn it.

CAPTAIN ARCHDALL said, with regard to the question which had been brought under the notice of the House by the noble Lord, it was deserving of the attention of the right hon. Gentleman the Chief Secretary for Ireland, and he trusted he would give the matter a serious consideration.

MR. MCCANN said, he had a high respect for the High Sheriff of Tyrone, and believed him to be incapable of doing or conniving at any improper act ; but as

the accuracy of the statements of the hon. and learned Member for Wexford had been called in question, he thought the House could not do better than grant the inquiry asked for.

MR. NEWDEGATE said, he thought the hon and learned Member for Wexford was right in asking for an inquiry, but the House ought to be careful not to interfere with judicial proceedings. The proposed inquiry would be too wide, and defeat its own object, as it would go over a space of seventeen years. The House should not interfere with the administration of justice, but he hoped the Government would prevent a recurrence of the circumstances which had been so properly reprobated by the judges.

MR. ROEBUCK said, the hon. Gentleman who had just spoken thought the inquiry would be too wide. In that he was right. But he was entirely wrong in supposing that an inquiry into the administration of justice was not within the functions of that House. If any question arose with respect to any of the judges, he was removable upon an Address by that House and the other House of Parliament. In that case the conduct of the high sheriff was called in question. Now, the high sheriff really represented the Executive, and the only body that was supposed by its functions to have the power of keeping the Executive in check was that House. He would therefore suggest to his hon. and learned Friend not to withdraw, but narrow his Motion.

SIR ROBERT PEEL said, he could not but regret that the noble Lord had thought it necessary again to agitate the matter, because he himself had admitted that it had already given rise to a great deal of party feeling. The noble Lord had made use of extremely strong language, for he had stated that the high sheriff and sub-sheriff of the county Tyrone had been tampering with trial by jury. [*Cries of Order!*] The noble Lord stated that these gentlemen had been tampering with and falsifying the jury panel. He (Sir Robert Peel) must say that he agreed with the remark which had fallen from the hon. and learned Member for Wexford, that if the accusation which had been levelled against these gentlemen by the noble Lord were true, he ought frankly and at once to have met the question by a Motion that their conduct should be inquired into. The noble Lord had said that the Government had shown

an apathy in the matter. Now, so far from the Government having displayed any apathy, he thought they had acted a truly constitutional part. The Government had nothing whatever to do with either the constitution of the grand or petty jury panels, and it would be most unconstitutional on the part of the Government if they were to attempt in any way to interfere with the duties which were imposed by statute on the high sheriff. The statute distinctly laid down what were the duties of the high sheriff; and the judge of assize was empowered, if he should think fit, to set a fine upon the sheriff if he returned on the panel the name of any man not inserted in the jurors' book last delivered. In that case Judge Christian had stated, that upon consideration he thought it was a wiser act of discretion on his part to abstain from imposing a fine; and in that expression of opinion he (Sir Robert Peel) concurred. The noble Lord had said that he apprehended a repetition of the conduct that was the subject of complaint, and he wanted to know what action the Government were prepared to take. The action taken by the Government was that they had directed attention to the fact, that a repetition of the alleged offence would be held to be a wilful disobedience of the statute, and that a fine would be imposed by the judge. He was not aware what other action the Government could take in the matter. He was not acquainted with the high sheriff; but he was sorry that such harsh language had been used in regard to him, because he believed him to be a gentleman of position and character. He had given him a statement with reference to his conduct and that of the sub-sheriff, from which it appeared that his noble Friend had been led into error. After stating that he had not received the jury book for 1862 from the clerk of the peace, and that the late sub-sheriff had not handed him the book for 1861 till after the late assizes, and then only on being threatened with an action if he did not do so, the high sheriff went on to say that the panel consisted of 150 names, composed equally of Protestants and Roman Catholics, and that all the persons placed upon the panel were fully qualified by station, and were of the most respectable and intelligent class. That he (the sheriff) could vouch for from personal observation, and their verdicts gave general satisfaction. Both the sub-sheriff and himself were anxious that the fullest in-

quiry should take place, and they would give every assistance to elucidate the facts. It had been stated, the letter continued, that Mr. John M'Crossan was placed on the grand jury panel, to the exclusion of other gentlemen in the country better qualified, and who were in the habit of attending the assizes. The fact was, that Mr. John M'Crossan was the twenty-third on the grand jury list, and the last on the panel save one. Every gentleman was summoned who was in the habit of attending, or who had the right by property to do so, except those who had written to say they could not attend. The high sheriff knew of no law that excluded practising attorneys from serving on grand juries when their property entitled them to do so; and Mr. M'Crossan's property would have entitled him to have been placed higher on the list than he was. As high sheriff, he could not know that Mr. M'Crossan was employed to prosecute in several cases; and if he had known it, he doubted whether the fact would have disqualified Mr. M'Crossan for serving on the grand jury. Magistrates acting on grand juries were often interested in the success of the prosecutions, and had often expressed judicial opinions in cases which came before them as grand jurors; and until the law laid down that professional gentlemen were to be excluded, he saw no reason why he should deviate from the course he pursued at the last assizes. Those assizes were attended by the two Members for the county of Tyrone, neither of whom remonstrated at the time. A member of the grand jury had volunteered the statement that in Mr. M'Crossan they had a valuable acquisition, and, though there was a prejudice against him at the first, he had by his good sense and strict impartiality won the good opinions of the whole body. That letter he (Sir R. Peel) thought was very satisfactory. He did not believe that the circumstances complained of would occur again, and he would request his hon. and learned Friend to let the whole matter drop where it was, and to withdraw his Motion. He had given no notice of it, and it was a novel proceeding to urge a Parliamentary inquiry into a subject like that before them without notice. Their time could be better occupied, particularly at the present period of the Session. It would be far better to allow a question to drop which admittedly had given rise to party and religious feeling. After what he had heard that night,

he would add that he never entertained the intention of irritating the feelings of his fellow countrymen on religious questions.

MR. GEORGE said, that the hon. and learned Gentleman (Mr. M'Mahon) had most ingeniously attempted to mix up with the case before the House various other matters entirely disconnected with it, which had occurred from 1845 up to the present time, and had dragged in references to Orangemen and Ribandmen which were beside the question. The point to be considered was whether in that particular instance certain judicial officers had or had not violated the laws of their country. Something further ought to be done on the part of the Government than merely to express a hope that such a maladministration of justice as had been proved should not take place in the future. The majesty of justice ought to be reasserted. It was the duty of the executive Government to see that high sheriffs performed the functions of their high office as they were legally bound to do. He did not think that the reply given that night by the right hon. Gentleman the Secretary for Ireland would prove satisfactory to the people of Ireland.

MR. SCULLY observed that the only question for consideration was whether Mr. John M'Crossan, while acting as a grand juror, was also acting as attorney to the prisoner, and to that a most distinct denial had been given. Those who made the accusation were bound therefore in vindication of their own characters, to prove its truth.

MR. CORRY said, that the hon. Member who had just sat down appeared to think that the statement made by the hon. and learned Member for Wexford—namely, that Mr. M'Crossan had not practiced during the Spring Assizes in the Crown Court—was a complete answer to part of the case laid before the House from his noble Friend and Colleague; but he was in a position to deny the accuracy of that statement, and on the best possible authority, which was no less than that of Mr. M'Crossan himself. Mr. M'Crossan had rendered valuable service in the grand jury room during the transaction of fiscal business; but after the Judges had arrived, and bills of indictment were sent up, he requested his (Mr. Corry's) permission to absent himself, on the express ground that he was retained in several of the cases, and could not, therefore, be considered an impartial grand juror. But that was not all—on the fol-

lowing day Judge Christian sent up to him (Mr. Corry), as foreman of the grand jury, to say he desired to speak to him in the court; and on going down, the Judge showed him a bill which had been found a true bill, and asked him whether Mr. McCrossan had been a party to the finding, which he was desirous of knowing, as Mr. McCrossan had been retained in the case. He was enabled to inform the Judge that Mr. McCrossan had not taken part in the finding of the bill, and so the matter dropped. With respect to the assertion of the hon. Member for Wexford, that Mr. McCrossan could not obtain a copy of the jurors' book for 1862 from the outgoing sheriff, he would read extracts from a letter from Mr. Rogers, the late sub-sheriff, which showed that he had never applied to that gentleman for the book, and also that Mr. McCrossan had admitted to Judge Ball in the Civil Court that the book for 1862 was actually in his possession before he struck the panel. The whole case lay in a nutshell—was the course adopted by the sub-sheriff legal, or was it not? and no one, he thought, could deny that it was in direct violation of the statute, and so satisfied was the judge of this, that he could not allow a prisoner to be put on his trial before a jury so constituted. There were four courses open to the sub-sheriff. He could have demanded the jurors' book from the clerk of the peace—he could have demanded it from his predecessor, under a penalty, in case of refusal, of £100—or, failing these, he could have framed his panel from the book of the previous year; but, instead of adopting any of these courses, he did that which was in direct violation of the statute. He invented a panel of his own, thereby subjecting himself to a penalty under 3 & 4 Will. IV., c. 9, s. 33, if the Court had seen fit to impose it. His right hon. Friend the Secretary for Ireland had read a letter from the high sheriff, in which it was stated that he (Mr. Corry) had testified to Mr. McCrossan's ability and impartiality as a grand juror; and he did not hesitate to say that Mr. McCrossan, who was a gentleman of ability and conversant with country affairs, had rendered valuable service so long as fiscal business was under consideration; but he did not think that any gentleman ought to be a member of a grand jury who was open to the suspicion of having a personal interest in any bill of indictment which might come before

it. He must also say that the challenge of the panel did not take place until after the grand jury had been actually discharged, and therefore no remark he might have made to the high sheriff could have had any reference to that transaction. With respect to the Motion with which the hon. and learned Member for Wexford had concluded, he courted the fullest inquiry; but he thought, more especially at so late a period of the Session, it would be absurd to enter upon so extensive an investigation, and one having no especial reference to the case which had been brought to the notice of the House by his noble Colleague.

MR. HENNESSY suggested that the object would be attained by the hon. and learned Member for Wexford striking out the first part of his Resolution.

LOD NAAS said, he thought that the only points in the late occurrence as to which inquiry was asked were admitted by both parties; namely, that Mr. McCrossan acted on the grand jury in the court in which he was also practising, and that the sub-sheriff, not content with the Crown list, added twenty-nine names to the list on his own responsibility. These gentlemen, having admitted that they had done wrong, defended themselves by making a cross charge as to the grand jury of the county of Tyrone for some years past. He thought that the House ought to be satisfied with the assurance of the Government, that such an occurrence as that complained of was not likely to occur again.

MR. CONINGHAM remarked that he thought a case for inquiry was established.

LOD CLAUD HAMILTON said, he had not the slightest objection to an inquiry into the particular case, but he thought it absurd to go back for fifteen years.

SIR GEORGE GREY said, he should contend that no sufficient case had been made for a Committee of Inquiry. It appeared that Mr. McCrossan did not act as a grand jurymen in any of the bills in which he was interested; and though he was far from saying that it was right for a gentleman to be on the grand jury and to practise in one and the same court, he thought that the judge was the proper person to decide, and to punish in such a case.

SIR EDWARD GROGAN said, there had been a clear miscarriage of justice.

*Mr. Corry*

A prisoner had been left in gaol after the delivery, and yet Her Majesty's Government declared that there was no ground for inquiry. It placed the House in a discreditable and dishonourable position, and he thought it was the bounden duty of the Government to take steps effectually to prevent the recurrence of such an omission.

MR. M'MAHON said, he was willing to withdraw his Motion if he might be allowed to substitute one restricting the inquiry to the case in point.

MR. SPEAKER said, the hon. Member could not withdraw the Motion without the consent of the House.

Question put.

The House divided :—Ayes 84; Noes 14: Majority 70.

Main Question put, and agreed to.

Supply considered in Committee.

House resumed.

Committee report Progress; to sit again on Monday next.

#### NAVAL AND VICTUALLING STORES

BILL—[Bill No. 143.]

CONSIDERATION.

Order for Consideration read.

MR. HENLEY said, he wished to draw attention to a very extraordinary provision in the Bill. The 15th clause gave power to every police inspector to search anybody's house in the neighbourhood of any of the dockyards. That was a provision that ought to be modified, as he thought the ordinary power of a search-warrant was sufficient. He should therefore move the omission of the clause.

MR. CLARENCE PAGET said, the proposal was not to give power to search the house of any one—it was only to search the houses of persons actually employed in the dockyards and of marine store dealers. He would, however, omit the clause.

MR. KINNAIRD said, he was surprised that so useful a measure should be impeded by the right hon. Gentleman on a mere technical objection.

MR. AYRTON said, that the Government first sold their stores with their marks upon them and then claimed the right to follow them all over the world. He hoped that would be provided against in the other House of Parliament.

Bill to be read 3<sup>o</sup> on Monday next.

House adjourned at One o'clock till Monday next.

#### HOUSE OF LORDS,

Monday, June 23, 1862.

MINUTES.]—PUBLIC BILLS.—1<sup>o</sup> West India Incumbered Estates Acts Amendment; Merchant Shipping Acts, &c. Amendment; Salmon Fisheries (Scotland); Sale of Spirits; Artillery Ranges; The Queen's Prison Discontinuance; Bleaching and Dyeing Works Act Amendment. 2<sup>o</sup> Jurisdiction in Homicides; Discharged Prisoners Aid. 3<sup>o</sup> Oxford University; Retiring Pay, &c. (British Forces, India); Universities (Scotland) Act Amendment.

#### COURT OF CHANCERY—ORDER RESPECTING PRINTING.—PETITION.

MR. BROUGHAM presented a Petition of Law Stationers, Law Writers, and Copying Clerks of London, praying for the Repeal of an Order of the 16th of May last respecting Printing. The noble and learned Lord said, that the Petition was signed by upwards of 1,000 law writers and stationers, among whom was a member of a firm which had been established upwards of 120 years as law stationers. The Petitioners complained of the recent Order issued by the Lord Chancellor, with the sanction of the Master of the Rolls and other Chancery Judges, directing that affidavits and depositions to be used in the High Court of Chancery should henceforth be printed under the superintendence of the Clerk of Records and Writs; and, further, directing that the expenses of such printing should be paid out of the same fund and in like manner as office copies of affidavits under the existing practice, namely, the Suitors' Fee Fund. The petitioners, among whom he was pleased to find several ladies, complained that this Order would be the means of ruining their trade, and deprive them of the means by which they had hitherto supported their families. They pointed out that solicitors would be able to make precisely the same charges on their clients as at present, and that consequently the change, so disastrous to the petitioners, would be of no advantage whatever to the suitors. The Order was, moreover, directly in the teeth of an Order of Lord St. Leonards in 1852, that affidavits and depositions should be written in a clear and intelligible manner, similar to that usually adopted by the law stationers. He thought it his duty to state the case of the petitioners fully, whatever view he might entertain of the prayer of the petition, which was, that their Lordships' House, as it clearly had the right

to do, would pass a Resolution which would at once have the effect of repealing the Order of the Lord Chancellor and the other Chancery Judges.

Petition to lie on the table.

**LANDED PROPERTY IMPROVEMENT  
(IRELAND) ACT AMENDMENT BILL.**

[BILL NO. 81.] COMMITTEE.

House in Committee (according to Order)

THE MARQUESS OF BATH complained of time being wasted in the discussion of these petty measures, which Session after Session were introduced. The Bill was intended to extend the powers of several Acts of Parliament, which had not been passed without the most mature consideration.

THE EARL OF ST. GERMANS remarked, that the former Acts enabled the present owner of a settled estate to borrow of the Government sums, not exceeding £5,000, for the improvement of his property. The measures had worked perfectly well, and under its provisions great improvements had been effected in all parts of the kingdom, and the money advanced had been punctually repaid to the Government. The object of this Bill was to extend the operation of the existing Acts to those districts of Ireland in which distress prevailed, by increasing the lending powers of the Commissioners of Public Works to the additional amount of £3,000 over and above any sums they may have actually advanced, or be authorized to advance, under the provisions of those Acts. One result, it was hoped, would be to afford additional means for the employment of the people.

After a few words from the Earl of DONOUGHMORE,

Bill reported, without Amendment, and to be read 3<sup>rd</sup> To-morrow.

**THE QUEEN'S PRISON DISCONTINUANCE  
BILL (1862).**

BILL PRESENTED. FIRST READING.

THE LORD CHANCELLOR said, he rose to submit to the House a Bill, which he hoped it would read a first time, though its object was to put an end to one of the most ancient institutions of the country. But he thought their Lordships would agree with him in thinking it was an institution with which they would willingly part when he told them the object of the

Bill was to shut up the Queen's Bench Prison. The Prison of which the present building was the representative originated in very early times; it was probably coeval with the Court of Queen's Bench itself. At a very early period there were three principal prisons in London—the Queen's Bench Prison, the Fleet Prison, and the Marshalsea. The Queen's Prison was appropriated to prisoners committed by the Court of Queen's Bench, the Court of Exchequer, and Court of Common Pleas. The Fleet Prison received prisoners from the Court of Chancery; and the Marshalsea from the Lord Steward's Court, the Palace Court, and the Admiralty. The first fruits of the measure passed in 1842 for the abolition of arrest for debt on mesne process was to enable Parliament to reduce the three prisons to one, the Queen's Prison being substituted for the Marshalsea and the Fleet. The present Queen's Bench prison was erected in 1759; it had accommodation for 300 prisoners, and occupied an area of ground between two and three acres in extent. He understood that the value of this space of ground was estimated at between £200,000 and £300,000. It was therefore no mean gift to the nation if a property of this value could be converted to public purposes of greater utility. The sum hitherto voted by Parliament for maintaining this prison was between £3,000 and £4,000 a year, the whole of which would ultimately be saved to the country; although their Lordships were well aware that a measure of the kind could not be taken unaccompanied by some allowances and continuances of pay, which would prevent the whole of the money being at once available to the public exchequer. For the power of shutting up the prison they were indebted to the Bankruptcy Law Amendment Act of last year, the object of which was really to abolish imprisonment for debt, unless that debt were contracted fraudulently. How effectually the Act had accomplished that object might be seen from a comparison between the state of the three prisons in Middlesex and within the precincts of Westminster, in October, 1861, and at the present time. On the 1st October, 1861, when the Bankruptcy Amendment Act came into operation, the aggregate number of persons imprisoned for debt in the Queen's Bench, Horsemonger Lane, and Whitecross Street prisons was 324. By a return made on Saturday last it

*Lord Brougham*

appeared that in the Queen's Bench—omitting debtors who were confined for having contracted debts fraudulently, and omitting also insolvents who had been remanded by the Insolvent Debtors Court—consisting together of about fourteen persons—the number of prisoners for debt was six or seven; in Horsemonger Lane Gaol two; and in Whitecross Street fourteen or fifteen; and some of these would have been discharged but for the clause introduced into the Bankruptcy Act, that non-traders should not be entitled to discharge until after two months' imprisonment. Their Lordships would therefore see that the necessity for continuing the Queen's Bench had entirely ceased. The object of the present Bill was to transfer the few prisoners therein confined to Whitecross Street Prison, where there was admirable accommodation for a much greater number of persons than in all human probability would ever be confined there for debt. Their Lordships were probably aware that even the present number of persons in the Queen's Bench would not have been so large but for the practise which had been introduced—he could hardly tell why—under which any debtor in any prison throughout the country might be removed by writ of *habeas* to the Queen's Bench. Prisoners often availed themselves of this privilege, because in the Queen's Bench, owing to the spaciousness of the buildings, they had amusements—such as playing at ball and other games, by which time was wiled away—and he feared these allurements sometimes had led men to prefer imprisonment to making a discovery and surrender of their property for the benefit of their creditors. He confessed he had much pleasure in presenting this Bill to their Lordships as the first fruits of the Bankruptcy Amendment Act; and he might add, that when the Insolvent Debtors Court was closed, as it would be in a few days, even the present number of prisoners would be reduced; and, meanwhile, the Bill which he now asked leave to introduce would, he hoped, effectually accomplish the end desired.

The noble and learned Lord then presented "A Bill for the Discontinuance of the Queen's Prison, and Removal of the Prisoners to Whitecross Street Prison."

THE EARL OF DERBY reminded the noble and learned Lord that he had stated that the site of the Queen's Prison was to be appropriated to public purposes, but he

had forgotten to inform them what those purposes were to be.

THE LORD CHANCELLOR said, he had entertained a sanguine hope that it would be possible that the site of the prison might have been made available for the purposes of St. Thomas's Hospital. He was sorry to say, however, there might be impediments in the way of so desirable an object, and he had therefore in the Bill merely placed the area and the building in the usual manner at the disposal of the Board of Works and the Government.

Bill read 1<sup>a</sup> [Bill 115].

#### JURISDICTION IN HOMICIDES BILL.

[BILL NO. 98.] SECOND READING.

Order of the day for the Second Reading read.

EARL DE GREY AND RIPON, in moving the second reading of the Bill, said, their Lordships would remember that a murder had been committed recently by a soldier, and that before the murderer could be tried at the ordinary assizes two or three similar outrages were committed. Persons competent to judge of the feelings of the men who had committed these offences, believed that they had been a good deal encouraged to commit them by the long period which had elapsed before the first offender was brought to justice, that these crimes had become almost a fashion, and that they would have been prevented if there had been a speedy and ready mode of punishing the first offender. Abroad, as their Lordships would probably be aware, offences of this description, committed by soldiers, would be dealt with by court-martial; but in this country the offender was handed over to the civil tribunals. Important constitutional principles were involved in that state of the law, and the Government did not consider it desirable to make any change in that respect. As their Lordships were aware, at the time of the Palmer poisoning case an Act was passed providing for the removal of the offender from the county in which the offence was committed, and for bringing him up to London to be tried at the Central Criminal Court, which sat very frequently. The provisions of that Act, the 19 Vict., c. 16, could not be made available in this case, because it required that a Bill should be found by a grand jury before the prisoner could be transferred to the jurisdiction of the Central Criminal Court. Of course, if it were necessary to

wait for this, it would be necessary to wait for the assizes. The Government, therefore, proposed to deviate, to some extent, from the provisions of that Act, and the Bill proposed to confer upon the Court of Queen's Bench in term time, or any Judge of the Superior Courts in vacation, upon the application of the Secretary of State for War, upon his certificate in writing that it would contribute to the maintenance of good order and military discipline if a prisoner under the Mutiny Act charged with any murder or manslaughter were indicted and tried at the Central Criminal Court, power to order the prisoner to be tried at that Court.

LORD CHELMSFORD suggested that an alteration in the preamble would be required, as it appeared that there was to be no distinction between cases of murder and cases of manslaughter.

After a few observations from the Duke of MANCHESTER, the Earl of DONOUGHMORE, EARL DE GREY, and Lord CRANWORTH,

Bill read 2<sup>a</sup>, and committed to a Committee of the Whole House on Friday next.

House adjourned at a quarter past Six o'clock, till To-morrow, half-past Ten o'clock.

## HOUSE OF COMMONS,

*Monday, June 23, 1862.*

MINUTES.]—PUBLIC BILLS.—1<sup>o</sup> Consolidated Fund (£10,000,000).

2<sup>o</sup> Coal Mines; African Slave Trade Treaty; Poor Removal; Chancery Regulation (Ireland); Sheep (Ireland).

3<sup>o</sup> Lunacy (Scotland); Portsdown Fair Discontinuance; Naval and Victualling Stores.

### INCOME TAX.—QUESTION.

MR. DOULTON said, he would beg to ask Mr. Chancellor of the Exchequer, Whether the Commissioners of Income Tax have authority, in cases of Appeal based upon a three years' statement of profits, to dismiss the Appeal without investigating such statement; and whether, in the event of such dismissal (the assessment being under £150 per annum), the Appellant has any remedy by application to the Commissioners of Inland Revenue, the Treasury, or other person or body?

THE CHANCELLOR OF THE EXCHEQUER said, the state of the case was

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this. The parties were bound to make returns of profits and gains on a fair average of three years, and the district commissioners had power to examine the statements in support or correction of such return. The intention of Parliament was to place the matter in the hands of district commissioners, and he was not aware that there was any legal power on the part of the executive Government which obliged them to institute any particular investigation; but there was no doubt that it was their duty to do so, and he believed that duty was generally performed. But it sometimes happened that complaints were made to the Government with respect to the assessments and judgments of the district commissioners, and not unfrequently the Commissioners of Inland Revenue, if they thought the district commissioners had gone wrong, directed the case to be again submitted to them, and matters were then generally brought to a satisfactory issue. It sometimes happened, that even after the final judgment of the district commissioners, an appeal was made to the Treasury or the Chancellor of the Exchequer, but he did not consider that Parliament had given the Executive any authority to re-try the case. The only case in which the executive Government had authority to correct the proceedings of the assistant commissioners, was where there was a palpable error on their part, or where some new facts had come to light. But, undoubtedly, the determination of the assessments had been placed by Parliament under the power of the Commissioners, and it was the practice of the Government to re-try the cases, as he had already stated. There was no difference in practice so far as respected the amount of income. Parties having incomes under £150 a year were in the same position as those whose incomes were larger.

### SEATS IN THE PARKS.—QUESTION.

MR. W. EWART said, he wished to ask the First Commissioner of Public Works, Whether the public are to be accommodated by the restoration of the old, and by a greater number of new seats in Hyde Park and Kensington Gardens, especially round the larger trees therein?

MR. COWPER said, it was the practice of the Department to restore the old seats when necessary, and to provide new ones

in such places as the convenience of the public might require. This year about twenty-five new seats would be placed in the Parks to which the hon. Gentleman alluded.

**INDIAN CAMEL CORPS.—QUESTION.**

MR. E. P. BOUVERIE said, in the absence of his gallant relative (General Buckley), he would beg to ask the Secretary of State for War, Why the Officers and Men of the Rifle Brigade who composed the Camel Corps in India, commanded by Colonel Ross during the late Mutiny (having received a medal and clasps for services with Sir Hugh Rose's force in Central India), have not received a share of Prize Money ?

SIR GEORGE LEWIS said, he was not yet in possession of the information requisite to enable him to answer the Question, and would therefore request the right hon. Gentleman to repeat it on a future occasion.

**IRISH BUSINESS.—QUESTION.**

MR. SCULLY said, he wished to ask the Chief Secretary for Ireland, Whether he intends to proceed on Friday next with the five Irish Bills that stand on the Paper for that day, and in what order he intends taking them ?

SIR ROBERT PEEL stated, that on Friday, at the morning sitting, he proposed to take up the remaining clauses of the Poor Law Bill ; and, having got through these, he hoped at an early hour to proceed with the County Surveyors Bill and the Weights and Measures Bill.

**MARRIAGES (IRELAND) BILL.**

**QUESTION.**

MR. GREGORY said, in the absence of the right hon. and learned Gentleman the Member for Belfast (Sir H. Cairns) he wished to ask the right hon. and learned Gentleman the Member for the University of Dublin, Whether it is intended to proceed with the Marriages (Ireland) Bill ?

MR. WHITESIDE said, there had been no opportunity of conferring with his right hon. and learned Friend the Member for Belfast, but he apprehended that the state of public business would render it impossible to press the measure this Session.

COLONEL FRENCH hoped his right hon. and learned Friend would not object to say when he proposed to go on with the Judgments (Ireland) Bill.

MR. WHITESIDE said, it had been referred to a Select Committee.

**FAIRS AND MARKETS (IRELAND) BILL.  
QUESTION.**

MR. VANCE said, that several of his constituents were very much interested in knowing, Whether the Fairs and Markets (Ireland) Bill was to be proceeded with ?

SIR ROBERT PEEL said, it was the intention of the Government to proceed with it. He hoped to obtain a morning sitting next week for that purpose.

**DISTRESS IN IRELAND.—QUESTION.**

In reply to Mr. MAGUIRE,

SIR ROBERT PEEL stated, that he had received a communication from the noble Lord at the head of the Government, expressing his willingness to lay on the table of the House the whole of the Correspondence with reference to the Skibbereen and Castletown Unions since the month of November, 1861.

**FORTIFICATIONS AND WORKS.**

**COMMITTEE.**

Order for Committee read.  
House in Committee.

SIR GEORGE LEWIS : Mr. Massey, Sir, in rising to bring before the Committee the Resolution of which I have given notice, I shall probably find it necessary to advert, I trust briefly, to some topics not strictly contained within the limits of that Resolution. The subject of fortifications is a part of the more general subject, the defences of the country. It is the characteristic of our naval and military system, unlike that of many other countries, that it exists exclusively for defensive purposes—a fact which I think hon. Gentlemen sometimes overlook, and which has been overlooked in some recent discussions on this question. The essence of defence is purely negative ; it is intended merely to guard against invasion or attack. Defence is of the nature of an insurance, and insurance against a probable danger may be a prudent act, although subsequent experience shows that the precaution was, in fact, unnecessary. A person who insures his house or his ship is not condemned for folly, although his ship may not be wrecked and his house may not be burnt. That is true with regard to those species of insurance which are intended merely to mitigate an evil, but do not tend to prevent it.

However, with regard to those species of insurance in which military and naval precautions consist, they have a tendency to prevent the evil which is the object of the insurance. In that respect they resemble the precautions which we are familiar with in the shape of internal police. The presence of a policeman may prevent a robbery; the existence of an army may prevent the invasion of a country; the existence of fortifications may prevent an attack on a town. Well, Sir, that is the view taken by those who maintain that the extensive precautions adopted within the last few years in this country have not been extravagant; that though England has not been invaded, though no hostile army may have been prepared for landing on our shores, this circumstance does not prove our precautions to have been superfluous, or that if they had been omitted the danger against which we have guarded might not have actually occurred. There are other circumstances which the Committee will bear in mind with respect to the provision which has been made of late years for the defences of the country. During the Crimean war, and also subsequently under the Indian mutiny, the jealousy of the public was almost exclusively directed against what was considered the insufficiency of the army and the inefficiency of the military department. The consequence has been that of late years almost the exclusive attention of the military department has been directed to the improvement of our military system, and the increase of its efficiency. But, Sir, efficiency—as those who have had charge of the finances of the country are well aware—efficiency is only another term for increased expense. I put it to any one who has had any experience in the matter whether increased efficiency—in whatever department it may be, whether civil, military, or naval—when it comes to be translated into practice, is not always equivalent to increased expenditure? I know there are some gentlemen who believe, that by some hitherto never defined improvement in the organization of our military system, it would be possible to increase its efficiency without adding to its expense. I have made most careful inquiries on this subject since I have been at the War Department, and I have come to the conclusion, that though by a very jealous and close scrutiny it would be possible to make small reductions in different portions of that large department, it would

be impossible to maintain the general efficiency of the department without maintaining the existing expenditure, or to increase its efficiency without increasing that expenditure. And there is one point on which I am anxious to do justice to some gentlemen with whom I have the honour to act in an official capacity. It is, I know, an impression on the minds of many gentlemen in this House, and on the minds of many persons in the country, that a large portion of the present expenditure for the army has been, as it were, forced on the Government by pressure from the Commander in Chief, the Horse Guards, and the permanent officers of the War Department. Now, Sir, that supposition is not only not true, but it is the very reverse of being true. The increased expenditure of the War Department has emanated exclusively, or almost exclusively, from the influence of the political head of the department, urged by the opinions of his colleagues, by the opinions of the House, and by the opinions of the public. That expenditure has not been adopted contrary to the convictions of those who were at the head of the department for the time being, but it is an expenditure which has been adopted, indifferently, by the executive Government for the time being in deference to what they believed to be the opinions of the public and the exigencies of the public service.

I do not wish to detain the Committee by going into matters not strictly connected with this Resolution; but, in consequence of references which have been made in this House of late to the supposed extravagant expenditure for the army which is now going on, and to the great increase which that expenditure is asserted to have undergone within a recent period, I wish to lay before the Committee—which I think I can do in a small compass—comparisons, under different heads of the military expenditure of the present year with that for 1858-9, which year I think the right hon. Gentleman opposite (Mr. Disraeli) on a recent occasion selected as the year for comparison. The Estimates for 1858-9 were prepared by Lord Panmure, who was Secretary of State under the Government of my noble Friend at the head of the present Government, and signed and introduced in this House by the right hon. and gallant Gentleman opposite (General Peel). The total charge in the Estimates of that year for

the effective force was £9,337,687. To that I add, on account of the difference of the manner in which the Estimates were at that time prepared—for now every item appears on the face of the Estimates—an appropriation in aid of £1,100,000, which must be added to make the comparison accurate, and which brings the total for the effective service of 1858-9 up to £10,437,687. For the non-effective force the sum taken in that year was £2,240,008, making altogether a sum of £12,677,755 as the Estimate for 1858-9. If I take the expenditure of that year, the amount will be greater by £407,649; but I refer to this Estimate only, because I can only take the Estimate for this year, which is £13,172,012 for the effective force. On account of the Indian army, introduced now for the first time, I deduct £730,000, leaving £12,442,012, which, with £2,130,856 for the non-effective force, makes a total of £14,572,870. The comparison therefore stands thus—For the year 1858-9, total Estimate, £12,677,755; for the present year, £14,572,870, showing an excess for the present year of £1,895,115. That is the sum for which I have to account. Now, we have to take into consideration a portion accounted for by the greater provision in the present year for sea service. In 1858-9 the item for warlike stores and wages was £514,365; in the present year it is £1,023,285, being an increase of £508,920—a sum not charged to the expenses of the regular army, to which I confine myself. There is then £122,887 for the Volunteers this year, which did not enter into the Estimate for 1858, and which, therefore, I exclude. These amount together to about £630,000; therefore the real increase in the expense of the regular army for the present year is £1,265,000. I might put against that a further set-off of an excess of expenditure beyond the Estimates of 1858-9 amounting to £407,649; but that is the fair comparison as between the Estimates of the present year and those of 1858-9; and I will say, that though undoubtedly the expenses of the present year are large and the increase considerable, yet that expenditure is not so excessive or extravagant in amount as some have represented it to be. It is also necessary—and it has a more close bearing on the question before the Committee—to compare the strength of the army in the two years. The total number of

men voted in 1858-9 was 130,135; of rank and file, exclusive of Indian depôts and of embodied militia, there were 113,974. This year the number of men voted was 145,450; of rank and file, exclusive of Indian depôts, the number was 124,795. The increase over the former year in the total number is 15,315; of rank and file the increase is 10,821.

I am desirous of calling the particular attention of the Committee to the present distribution of the army, because I think it will throw a good deal of light on our present position, and also on the financial question of the probability of our reducing the present charge. In 1858 the total force at home, rank and file—effectives, rank and file—including the embodied militia, and excluding the Indian depôts, was, on the 1st of May, 84,851; on the 1st of May, 1859, it was 78,421; on the 1st of May, 1860, 86,150; on the 1st of May, 1861, 77,683; and on the 1st of May in the present year, 68,518; and there were also at that date in the present year 1,630 men on their passage home. Then, as to the colonies. In 1858 the force in the colonies was 35,000, and the same in 1859. In 1860-1 the force in the colonies was 46,000, and in the present year 55,000. Therefore in the year 1858, on the 1st of May, there were 84,000 at home, and in the colonies 35,000. In May last at home there were 68,000, and in the colonies 55,000. Therefore the Committee will see that the force at home, at the present time, is considerably less than in 1858, and that the force in the colonies is considerably greater. I will now state the principal colonies or foreign stations in which there is an excess at present as compared with 1858. On the 1st of May, 1862, there was an excess over May 1, 1858, in the Mediterranean stations of 2,673; in China, 2,220; in New Zealand, 4,129; in British North America, 11,120. There is another circumstance that the Committee must bear in mind, and which is connected with the question of the distribution of our military force—namely, that soon after the Crimean war and the Indian mutiny many of the regiments on foreign service were changed, and that during the last few years there have been few reliefs sent out to the colonies, but from the present time the system of reliefs will go on with greater regularity, and ten battalions will go out and ten will return annually, five for India and five for the

colonies. Therefore under this system, the number of men afloat for a considerable part of the year will operate as a practical reduction of the number of our available force. This statement puts the Committee in possession of the comparative state of our army with regard to expense and strength.

It has been stated by persons of great authority, both in this House and in the other House of Parliament, that the provision for our armaments, both of large and small guns, is this year in excess, and that upon this head of expense a considerable saving might have been made. I am not at all prepared to dispute that assertion with regard to future years, or to deny that it may be possible considerably to reduce the rate at which we are manufacturing iron ordnance and small-arms. I do not, however, perceive that any excessive provision has been made for the present year. Since the Enfield rifles were first introduced, the total number received in store from 1853 to March 31st, 1862, is 1,111,374 rifles of different sorts, of which 391,371 are now in store at home and abroad, actually available for issue. Of these 305,953 are at home, and 85,418 are abroad; and it is estimated that there will be received during the remainder of the current year 163,907 more rifles. We have had to find our Militia, our Volunteers, and our Navy with rifles, as well as the Army. It is not calculated that an Enfield rifle will last more than about eight years. The number in possession of all our forces, exclusive of India, is 508,953, and 54,729 are necessary to complete the number required, making a total of 563,682. The annual consumption is calculated at about 60,000. The Duke of Wellington in 1826 fixed the store proportion of small-arms at about 600,000. At that time, however, the army was not so large as at present, and, moreover, there were no Volunteers, who are now furnished with Enfield rifles. Taking the number in store at 391,371, and calculating that there are 163,907 to be delivered during the year, there would, deducting 60,000 for wear and tear, be a total of 495,278 in store, whereas the Duke of Wellington assumed in 1826 that 600,000 was the proper quantity of small-arms to be kept in store. On that assumption the number is certainly not excessive.

I now come to the provision made for iron ordnance. Since 1859 up to the present time there have been received by the

Government 2,466 Armstrong rifle guns. Of these 1,458 have been issued—namely, 576 for land service and 882 for sea service. The estimate for the Armstrong guns for the year 1862-3 was originally based on the demand sent in to the War Office. That demand was, for the land service 1,068 guns, and for the sea service 1,616. The demand made upon the Government for all classes of Armstrong guns, from the largest to the smallest, was 2,684 guns. This amount was much reduced. Many of the armaments have been postponed, and the sum in the Estimates for the current year is for 416 guns for land service and 1,508 for sea service, making a total of 1,924, instead of the 2,684 guns originally demanded. Therefore the Committee will see that the demands of the departments, looking to the interests of the service, were far in excess of what the Minister for the department asked the House to vote. There were in store on the 1st of April 837 guns available, leaving a total to be provided of 1,087 guns. This number of 1,087 guns will therefore be required for issue to meet the demands for the armaments authorized for land and sea service. These are the rifled Armstrong guns. I will now come to the smooth-bore guns. The Estimate for smooth-bore cast-iron guns in 1862-3 is 1,329. The original demand lodged at the War Office was for 2,420 guns, and further demands are expected in the course of the year. I mention this for the purpose of showing, that although the number may seem to be large, it is very far short of the demands of the departments that were sent into the War Office. I have troubled the Committee with these introductory remarks in order to show what has been the provision for the defence of the country during the present year, independently of fortifications.

I will now direct the attention of the Committee to the more immediate subject of this Resolution, and explain to them what course has been taken with respect to fortifications. My noble Friend (Viscount Palmerston), in opening this question to the House in 1860, stated that a probable expenditure of £9,000,000 would be incurred for fortifications, according to the plan of the Defence Commissioners. An estimate, however, of the more immediate works was laid on the table by Mr. Sidney Herbert, then the Secretary of State for War, which consisted of the following sums:—the total estimated

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cost of works, including the purchase of land, was £4,960,000 ; and then there was a further item for works already sanctioned by Parliament of £350,000, making a total of £5,310,000. This item of £350,000 for works already sanctioned was meant to be independent of a sum of £1,000,000 which was included in the Report of the Defence Commissioners. The Estimate laid on the table was £5,310,000. When that Estimate was given, however, the detailed plans of the Government were not fully prepared, and it was impossible for the Executive to state with accuracy the exact sum which they contemplated expending for so extensive an undertaking. The Committee, I think, must see, that until a working plan could be prepared, and the works had made some progress, it was impossible to give a precise estimate of the total expense of the scheme. The Estimates which I laid upon the table this Session, if they were complete in their entirety, would fall considerably short of £9,000,000, the sum mentioned by my noble Friend at the head of the Government ; but would exceed £5,310,000, the sum mentioned by Mr. Sidney Herbert.

I will now proceed to state what is precisely the expenditure which has hitherto taken place. The sum which was originally provided by Act of Parliament, to be raised by Terminable Annuities, was £2,000,000, and the expenditure which has taken place under that Act has been—for payments for works and lands (that is, lands not only purchased but paid for), £989,000 ; and for purchase of lands for which payment is still due, £695,000 ; making a total of £1,684,000, the balance to the credit of Government being £316,000, which it is calculated will be exhausted by the end of August next. With regard to the extent to which the faith of the public may be said to have been actually pledged, as far as works in progress can be said to pledge it, the amount contracted for, including all the expenditure hitherto incurred in regard to the foundations of the Spithead forts, is £2,355,000 for works, and £1,030,000 for lands, making a total of £3,385,000. If the works should be completed according to the largest plan which has been submitted to the Government by the Government engineers and officers engaged in the service, the total cost would be about £6,700,000. That sum would complete, as far as we are able to judge, all the works which hitherto

have been either commenced or projected. But a considerable portion of those works have not yet been commenced, although with regard to the majority the progress already made is not small. If the Committee wish, I will state, with regard to some of the principal defences, the exact progress that has been made with each of the forts, and they will then be able to judge how far it would be advisable to adopt the proposal for arresting the works, and for departing from the plan which has been formally sanctioned by Parliament. I will begin with Portsmouth and the forts of Portdown Hill. There are to be five forts on Portdown Hill, and considerable progress has been made with the excavations for those works, for which a large extent of land has been acquired, and it is believed that they will be completed in September, 1864. With regard to the Gosport forts, of which there are to be five, a design for the Gilkicker battery has been prepared ; but no contract has yet been entered into. The Stokes Bay line is nearly completed ; and with regard to the other three forts, four-fifths of the works have been completed, and it is expected that they will be finished early next year, perhaps in May, 1863. With respect to Gosport "Advance," considerable progress has been made in the excavations and in the building of casemates, and it is expected that the works will be completed in January, 1864. With regard to Hilsea Lines, more than half the work has been completed ; but, the contractor having failed, a fresh contract is about to be entered into for finishing the works, which will include the widening of the Channel between Portsmouth and Langston harbours, a point of great importance for obtaining a greater scour of water through Portsmouth harbour. It is expected that those works will be completed in September, 1864. With regard to Southsea, six-tenths of the eastern battery are completed, and the second battery, the Lumps, is finished. With respect to Southsea Castle battery, a design for the work is under consideration. With regard to Plymouth, the batteries at the Eastern King and Western King are nearly completed, and great progress has been made with the batteries on Drake's Island. The foundations of Picklecombe battery are completed. The foundations at the Breakwater Fort and Mount Edgecumbe battery are in progress. Those works will, probably, be completed in 1862-3. Considerable pro-

gress has been made in the construction of the Staddon forts, and they will probably be finished in 1864. The Cawsand Bay battery is nearly completed, six-tenths of the Whitesand battery are completed, and designs for Knatterbury and Maker barracks are under consideration. With regard to the north-eastern defences, the land has been purchased and designs for these forts have been prepared; but no contracts for the works have as yet been entered into. The Devonport works are nearly completed, and will be finished this year. Such is the state of the works of defence for Portsmouth and Plymouth, and the Committee must see that it would be quite a ruinous course to arrest their progress. Any information with regard to other points which hon. Gentlemen may desire I shall be happy to give in answer to questions which may be put to me.

With regard to the Spithead forts, the view taken by the Government is this. It will be in the recollection of the Committee that soon after the action which took place between the *Merrimac* and the *Monitor*, and which was supposed to have an important bearing upon the construction of those forts, considerable difference of opinion was manifested upon the subject. I think subsequent events have shown that that particular action had not all the importance which some hon. Gentlemen attributed to it. But the Government, yielding to the wish of the House, suspended the works, and a considerable sum, I fear, will have to be paid to the contractor as compensation for the suspension. A large portion of the working season of this year has now been lost. In the mean time, however, experiments have been in progress at Shoeburyness which are believed to have a direct bearing on the question how far those forts would be able with heavy ordnance to stop a vessel entering the roads. Under those circumstances the Government think that they would adopt the most prudent course in not attempting to renew the works of the Spithead forts in the present year, but in postponing the decision of the question until the various matters which enter into it may receive additional light. We shall not therefore resume the practical consideration of the question until next spring, and I will engage, if the present Government be then in office, that they will communicate to this House their decision with respect to the Spithead forts, in

order to afford it an opportunity of expressing its opinion before any practical steps are taken. Under these circumstances it may be unnecessary to enter upon the engineering questions which have been lately agitated, and which are contained in the Report of the Commissioners which has been laid upon the table of the House with respect to those forts. I will only say that I have the greatest confidence in the integrity, the judgment, and the knowledge of the Commissioners who have investigated the subject, and I believe they entered upon the inquiry in a perfectly impartial and independent spirit, and that they are deserving the confidence of the executive Government. But my experience leads me to think, that although it has been usually the fashion to charge the political and moral sciences exclusively with uncertainty, the physical sciences, and the science of engineering in particular, labour, at least, under equal uncertainty. For I find that, however high may be the authority of persons who advise the Government—however reasonable the reliance which the Government places upon their opinion, some two or three persons of equal scientific attainments always start up who maintain not only that the plan that has been recommended is bad, but that it is the very worst that the human mind could devise. Under those circumstances it becomes extremely difficult to set at nought the opinions of persons, although they may be in a small minority, who express themselves with so much confidence. Therefore I trust that the Committee will make allowances for those who have to act on a subject which is liable to so much difference of opinion, and will reflect on the course adopted by this House when the subject was originally brought under consideration. When this plan was originally proposed to the House the Resolution on which the Bill was founded was carried by 268 votes against 39; being a majority of 229, and the second reading of the Bill was carried by 143 votes to 32. Any Government which is charged with the conduct of an important question of this sort, must naturally look back upon the history of the measure, and be determined in its course by the previous decision of Parliament. That previous decision was given after full deliberation; and I trust, now that the subject comes to be decided after a delay of two years—now that contracts have been entered into and that works have made

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great progress, and considering that a connected system of defence for our principal naval arsenals has been instituted, that the Committee will not reverse their former course, or withhold from the Government the necessary funds for continuing the fortifications. The Committee must bear in mind that the plan of fortifications is necessarily a connected plan; and though one or two works might, after careful consideration, be omitted, it would not be possible to cut off one-half, or one-quarter, or any great quantity of the plan intended for the defence of a town, inasmuch as the forts intended to protect a naval arsenal against foreign attack would be entirely useless if they covered only half the town and left half exposed. Therefore before making any alterations in the plan already sanctioned by the House, it is requisite that careful investigation be instituted. I should state that power was taken in the former Bill for removing a portion of the stores now established at Woolwich and for erecting a central arsenal, in respect to which a sum of £150,000 was taken for the purchase of land; but the Government have not thought fit to make any purchase, or to take any step for carrying that portion of the measure into effect until further consideration. In conclusion, I express my confident belief that the Committee will not alter the decision come to by this House in a previous year, but that they will furnish the means requisite for continuing this important system of national defence, and will not give to the enemies of Parliamentary government any excuse to say that the proceedings of one of the principal legislative assemblies in the world have been marked by inconsistency and vacillation.

Motion made, and Question proposed,

"That, towards providing a further sum for defraying the expenses of the construction of Works for the Defence of the Royal Dockyards and Arsenals and of the Ports of Dover and Portland, and for the creation of a Central Arsenal, a sum, not exceeding £1,200,000, be charged upon the Consolidated Fund of the United Kingdom, and that the Commissioners of Her Majesty's Treasury be authorized and empowered to raise the said sum by Annuities for a term not exceeding thirty years; and that such Annuities shall be charged upon and be payable out of the said Consolidated Fund."

MR. BRIGHT: I rise to ask a question. I did not understand what the right hon. Gentleman said with respect to the central arsenal, but I see that there are words referring to it in the Resolution. I

understood that when the right hon. Gentleman moved the Resolution they would be omitted. That question has never been discussed by the House, and no determination has been come to upon it; and I was not aware that there was anything touching it in the Bill which passed two years ago. After the remarks which the right hon. Gentleman has made, I presume he will have no objection to take those words out of the Resolution. If the right hon. Gentleman had done with the Portsdown Hill forts what he has done with the Spithead forts, possibly the Committee would not have had much trouble in agreeing with him.

SIR GEORGE LEWIS: The object of this Resolution is to serve for a foundation to a Bill for continuing the Act which is now existing. The words "central arsenal" occur in the title of that Act, and therefore it is necessary to keep them in the title of the Bill I propose to bring in. But when I come to lay the Bill on the table of the House, my hon. Friend will see that I take no money for the central arsenal.

MR. BRIGHT: Then nothing will be done this year?

SIR GEORGE LEWIS: Nothing this year.

MR. BERNAL OSBORNE: The right hon. Gentleman, in one portion of his speech, compared the establishment of defences for the country to a species of insurance. That is the trite and usual observation on these occasions, and the only dispute I should be inclined to have with the right hon. Gentleman is, not as to this being a matter of insurance, but as to what office we should insure in. If it can be proved that the Royal Marine insurance is better adapted for the wants of this country than the insurance-office which the right hon. Gentleman proposes to open on his own account, I think the Committee will agree that the former is the proper insurance for the House to put its money in. I must dissent from the opening observation in the right hon. Gentleman's speech, in which he laid down broadly that the meaning of the word "efficiency," translated into good Treasury English, meant nothing but increased expense. That, at least, is not my view of the translation of the word "efficiency;" and I am surprised that the right hon. Gentleman, who has gone through the gradations of office, as gentlemen of his high connections have the opportunity of

doing—who has been Chancellor of the Exchequer, Home Secretary, and who is now reposing on his laurels as Secretary for War should lead away the Committee from the consideration of this question, by saying that the translation of the word "efficiency" is "increased expenditure." That is a position which I, at least, will dispute at the outset. The right hon. Gentleman has considerably relieved me from one portion of my onerous and disagreeable task to-night by one disclosure he made. He has told the Committee that the Government does not intend to proceed at present with the construction of the Spithead forts. Now, the Committee will remember that on a recent occasion, when the suspension of these forts was urged by an hon. Member on the consideration of the Government, the noble Lord at the head of the Administration somewhat unwise, I think, twitted the hon. Member and the House in general with the suspension of the construction of those forts. The noble Lord went so far as to say that the House of Commons had behaved unwise, impolitically, and injudiciously in interfering with the Executive—[Mr. NEWDEGATE : Hear, hear!]—and the noble Lord is supported in that view, as usual, by the hon. Member for North Warwickshire. Well, if the noble Lord was right on that occasion, and if it was unwise and impolitic to delay the construction of these forts, why did not the noble Lord do his duty as the Prime Minister of the country and test the sense of the House by a division? Again, why did the noble Lord now send his Secretary for War to tell us that he at last intends to delay the construction of these forts? But, whatever may be the opinion of the noble Lord and of the hon. Member for North Warwickshire, the Committee must have derived some comfort for having urged the suspension of the Spithead forts from the fifth paragraph of the Report of the Royal Commissioners; for it is there stated—

"It appears to us that the doubts which took possession of the public mind as to the expediency of constructing the forts at Spithead were not unreasonable."

That is the opinion of the Commissioners, and I hope to show the Committee that not only is further progress with these forts unreasonable as regards the matter of finance, but totally inexpedient as regards the question of defence. The right hon. Gentleman the Secretary for War, by

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his Resolution, calls on the Committee for a grant of money for the defence of the country, and says that Parliamentary government would be imperilled unless the Committee consented to the vote. That was somewhat extraordinary language to proceed from a Whig Minister in office; but I think that the Committee will be of opinion with me that the proper time has arrived to reconsider the whole plan, as well as the cost of these national defences, the proposition of which was, I believe, in a hurry and in an evil moment brought forward. Before allowing ourselves to be carried away by the exciting speech of the Secretary of War, it will be well to consider the circumstances under which this plan was originally brought forward two years ago. Those circumstances are somewhat singular. The original Report of the Royal Commission, although it was not laid on the table, was in the possession of the Government on the 7th of February, 1860. What, let me ask, was the course which they originally took in reference to that Report? The Committee must bear in mind that it recommended an expenditure of £11,500,000 on the national defences—a sum so large that, at any rate, it was natural to expect from those great sticklers for Parliamentary Government who now occupy the Treasury Bench, that the amount would have been named in the Queen's Speech; or, at all events, some notice taken of it by the Chancellor of the Exchequer in bringing forward his Budget. No allusion, however, was made in the Queen's Speech to the circumstance—the trivial circumstance that we were to be called on to spend 11½ millions of money in national defence. Four months elapsed before the matter was even mentioned in this House, although in the interim the Chancellor of the Exchequer had introduced his Budget, initiating many great changes. Yet he did not, on that occasion, state to us that he—or rather one of his colleagues, for he himself has always been sedulously absent from his place when this question has been spoken of—was about to come down to the House and propose a Vote of £11,500,000 for this purpose. I may say for myself—and I believe the same remark is true of hon. Members generally—that I gave my vote on the financial scheme of the right hon. Gentleman in total ignorance of the large amount of money which was to be kept back for consideration until the month of July. Well, what happened in that

month? On the 23rd of July, at the fag-end of the Session, the noble Lord at the head of the Government took a most extraordinary course. The budget had been disposed of after much discussion. A commercial treaty with France had been concluded, and we supposed ourselves to be on the most excellent terms with that country. The noble Lord, however, came down to the House, and it will, I think, be admitted, after all we have heard about the peril of Parliamentary government, that he took the most extraordinary course ever taken in Parliament; for he moved, not having laid his Resolution on the table, not only that we should vote an enormous sum for the national defences immediately, but that we should do it in one night. The right hon. Gentleman the Secretary for War to-night tells us that we peril Parliamentary proceedings; but I ask him what he has to say of this proceeding of his chief, which was resisted by a small minority, whom he has sneered at as philosophers. We ought, no doubt, to consider ourselves happy to be classed with such a philosopher; but he should bear in mind the course taken by his noble Friend beside him when he undertakes to read us a lecture about the perils of Parliamentary Government, that course, as I said before, was resisted. We all remember the speech made by the noble Lord on the occasion. It was not like the speech to which we listened to-night. I can compare it only with another speech of the noble Lord, which my right hon. Friend the President of the Board of Trade described as being of a hobgoblin character. France was pointed at by the noble Lord in a most distinct and offensive manner, and we were all told that it was necessary for the immediate safety of the country that these forts should be constructed without delay. France was, as I said, expressly pointed at, and we were told it was impossible to say where the storm which threatened us might burst. Well, the original estimate of the Royal Commission was £11,500,000, and I must here observe that there was some discrepancy between the calculations of the noble Lord in moving the Vote and the Secretary for War, who spoke subsequently. The noble Lord, having made this hobgoblin speech said, he should ask for a Vote of £9,000,000 as the whole cost of the proposed works; and here I would remark that I entirely deny that we have—as we are told we have—given our approbation to this plan of the Commiss-

sions. The House is not pledged. The Government themselves know that they are not pledged to it by the alterations in it which they have made, and *& fortiori* if they may change their minds on the question, we ought to be at liberty to do the same. They, at all events, have no right to complain of us if we do so, inasmuch as they certainly have not exhibited that remarkable constancy and freedom from vacillation to which the Secretary for War has alluded. But, as I observed, the estimate of the noble Lord in proposing the Bill was £9,000,000. He was followed by the late lamented Lord Herbert, who was at the time Secretary for War, and his estimate was £5,000,000, there being thus a slight discrepancy of £4,000,000 between himself and the Prime Minister. Now, this appears to me to be a somewhat singular discrepancy in the case of a united Cabinet, and I must say I have never heard it accounted for by any Member of Her Majesty's Government. The House, however, was so carried away by the speech of the noble Lord, and so excited, that if not convinced, it was considerably alarmed, and it voted the first instalment of the estimate—a sum amounting to £2,000,000. Now, I did not accurately gather from the cloud of figures which we have had this evening—and we have had more of them in an arithmetical point of view than we have had figures of speech—what has become of those £2,000,000. Has the right hon. Gentleman the Secretary for War anything in hand? I think he said he had £300,000; but even if he have that amount, it will go a very little way towards providing for the expenditure before us. We have now therefore a further demand made upon our patience and our pockets to the extent of £1,200,000. That being so, permit me to say one word upon this fort question. It does not appear to me, I must say, that Her Majesty's Government have shown that they have any great faith in forts. At all events they referred the matter back to the old Commission, with which were associated four gentlemen against whose knowledge and competency nobody can say a syllable. When, however, they referred it back to the old Commission, I felt we were simply about to have a foregone conclusion again; but I think it most culpable on the part of the Government, that when they consented thus to refer it, they, as is evident from the speech of the noble Lord at the head

of the Government, as well as from what fell from the right hon. Gentleman the Secretary for War, and from the noble Lord in another place on a former occasion, were determined to pursue their own design. [Sir GEORGE LEWIS : No, no!] Well, the right hon. Gentleman was very indistinct, and he might have been talking about something else; but my impression is that at any rate the noble Lord at the head of the Government said as much. [Viscount PALMERSTON : I did not.] Be it so; and, as the noble Lord has apologized, I shall not pursue that part of the question further. The Commissioners, to whom the matter was referred back, have made their Report; and if I were inclined to say, "Oh that mine enemy would write a book!" I should feel quite satisfied with that Report, and the evidence on which it is—not founded. The right hon. Gentleman the Secretary for War brought us back to-night to the old question about the American actions, and has assumed that matters are now completely altered. I took the liberty of asking him how, but I received no explanation on that head. It is not, however, necessary to enter on this occasion into the details of those American actions, and I should not have alluded to them even for a moment but that the right hon. Gentleman has thought proper to do so. But I must observe that I think he ought not to treat so lightly, and with such contempt as he has done, the circumstance of certain wooden gun-boats passing Forts Philip and Jackson in defiance of 200 guns, and pushing their way to New Orleans. He wishes to build his case, I suppose, on Fort Darling, on the James river, but he ought to be aware that that fort is situated on a high bluff, on an estuary, not more than 200 yards wide, so that riflemen from the bank were able to pick off the gunners from the ships as they came up the river? What did all that prove? Only that no harm was done to the iron-plated ships by Fort Darling standing on a high bluff. Be that, however, as it may, I am more inclined to accept the conclusion of the Commissioners on this particular point than to dwell on the American actions at all. What, let me ask, are those conclusions? The Commissioners say, in paragraph 3 of their Report—

"We therefore think it safer to draw our conclusions as to the effect of shot upon armour-plated vessels from experiments made in this country than from the accounts which have

reached us with respect to the action in Hampton Roads."

Now, I am quite prepared to argue the matter on that ground. What, then, were the experiments lately made at Shoeburyness? This is an important point, because the whole Report of the Commissioners hangs upon it. In paragraph 5, taking the tone of the right hon. Gentleman the Secretary for War, they say—

"But the experiments carried on with Sir W. Armstrong's 12-ton gun against the *Warrior* target, a few days subsequently to the debates in Parliament, materially altered the conditions of the case, and justified the anticipations expressed in paragraph 22 of our Report of the 25th of February, 1861."

Let us see how those anticipations have been justified. We all know how these experiments at Shoeburyness have been conducted. They have been conducted under the most unfavourable conditions for the ship and the most favourable for the gun. A fixed target was placed at 200 yards distance, and aim was taken at it with perfect leisure. What was the result? I would warn the Committee against being led away by the monstrous exaggerations on the subject of these experiments which have obtained circulation. It has been found impossible to obtain from the Government any returns with respect to them; and, although moved for the other night by the noble Lord the Member for Chichester (Lord H. Lennox), they were refused. I can, however, give some information from another source, which I believe that the hon. and gallant Gentleman the Member for Wakefield (Sir John Hay) will be able to confirm. The *Warrior* target was a section of the side of the *Warrior*. The armour plating was 4½ inches thick, the teak backing 18 inches, and the iron skin ¼ of an inch, making altogether a thickness of 23 inches. The experiments to which it was subjected at Shoeburyness were as follows:—On the 21st of October, 1861, which was before the great experiment, the target withstood with success twenty-nine rounds fired in single shots or salvos from the very heaviest artillery. One 100-pounder hit the left middle plate on a bolt, which was bent, but the nuts of that bolt were never moved. Eleven shots had previously struck the same plate in a space of 3 ft. by 1½ ft., namely, three 200 lb. solid shot, three 110 lb. solid shot, three 110 lb. shells, and two 68 lb. shells.

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The great experiment was made on the 8th of April, 1862; and to test the effect of the first two 156 lb. shots, which were fired from the 12 ton smooth-bore Armstrong gun, with a charge of 40 lbs. of powder, the edge of the plate which had already been hit was selected. It was represented in the public prints, and by some hon. and right hon. Gentlemen in this House, that the success of this experiment had been so great that the 156 lb. shot had not only gone through the two sides, but had shaken the granite foundation. Now, I am lucky in not quoting this from memory, because if you quote from memory you are often flatly contracted. Let the Committee remember what was the account in the great newspapers of the day as to the success of the experiment. They said that the Armstrong gun had been tried at 200 yards, and had proved that any ship which came within that distance of it would be sent to the bottom without any chance of escape. A question was asked in this House on the 10th of April, and we had one of those frank avowals which we occasionally get from naval men and Secretaries. The noble Lord the Secretary to the Admiralty said that "Nothing could be fairer than the account given in the newspapers of the effects of the shot. The third shot was fired with 50lb. of powder, and went clean through the plate, the backing, and the skin, and, he believed, buried itself on the opposite side. The fourth shot took place under the same circumstances. It went entirely through one side, and possibly through the other side also." This was from the noble Lord the Secretary to the Admiralty. That was his idea of the result of that experiment. The Under Secretary for War in another place also vouches for the accuracy of this description—"The shot went entirely through one side and possibly through the other side also." Of course, the House very naturally supposed that this had been a great success; but the real facts of the case are that neither shot passed through. Both of them fractured the plate and imbedded themselves in the skin of the ship. I have a plan here showing their position. The third shot plugged a hole eleven inches in diameter. None of these would have endangered the lives of any persons in the ship, or have rendered her unseaworthy; and yet the evidence which I have quoted was given from the Treasury bench as to the effect of the shots, and

this is the evidence on which the Commissioners say that their anticipations in recommending these forts are justified. What was the actual penetration? I have the whole calculation here in inches, but I will state very roughly that the greatest impact was produced by two shots, which struck an injured plate and lodged very near one another. They did not fracture the skin of the ship; they stuck in the teak backing and did not go through on the other side, "very possibly," as the noble Lord told the House. The shot that struck the uninjured plate went through four and a half inches of iron plate, and through thirteen inches of teak backing, but did not get to the iron skin at all. That shot stuck, and is now sticking—at least, the target has been taken down—but, luckily, if any hon. Gentleman wishes to see it, here is an exact diagram of the positions of the shots which struck the ship's side; and I can assure the noble Lord the Secretary of the Admiralty that none of them went through "possibly" into the other side. After this, what are we to say of the first observation of the Commissioners, that their anticipations have been realized by this monster 12-ton gun? I did intend to go more fully into the case of the Spithead forts, but it has been rendered unnecessary, because we are told that there is to be a delay, and delay is all that I have asked for. What, however, does the Committee think of the fact—and I should like to be satisfied on this point by some right hon. Gentleman—that, in the face of all this, twenty more of these Armstrong guns (156-pounders) and one 600-pounder have been ordered, and that this does not receive the approval of the Select Committee on Ordnance? I do not know what the cost of these Armstrong guns is, but I am told that it is something enormous. I have told you what was the impression made by the 12-ton smooth-bore gun, but it is necessary that the Committee should also know what was the effect upon the gun itself of firing these enormous charges of powder, because not a word has been said about that. The present condition of the 300-pounder is as follows:—There is a fracture of the outer coil four feet long, extending under what is called the trunnion ring and the rear reinforcing ring. To test this, a knife was put down the crack for five inches on the bottom side of the gun. Be it remembered, that not fifty rounds—I suppose not more than

twenty-five rounds—have been fired from this gun, and yet such was the effect of these heavy charges that it has become unserviceable, and is now being doctored in Woolwich Arsenal. I challenge contradiction upon that point. And yet, in the teeth of all these facts, we find the Commissioners and the Government agreeing to erect forts on the hypothesis of a gun which is not in existence. For, mark you, you have no gun in existence such as they rely upon; it is completely hypothetical. Their chain of reasoning seems to have been most extraordinary. They tried this gun at 200 yards, and it having failed to send a shot through the *Warrior* target, the Commission would have us accept that as a proof that a 600-pounder can be made which will accomplish that feat. Their chain of reasoning seems to have been:—Given a gun which has failed at 200 yards, to construct upon that evidence a gun which shall succeed at 3,000 yards. That of itself ought to condemn their Report in the minds of all reasoning men.

I will not go into the question upon which the Commission has itself already reported, as to the difference between firing at a fixed target and a moving object at a distance. The Commissioners themselves reported—"Such vessels would offer so small a mark at that distance, that even the accuracy of the newly-invented rifled ordnance could not be depended on to strike." Sir William Armstrong in his last examination said, that he could not depend upon hitting a vessel unless it was stationary. Those who advocate the construction of these forts say that forts are invulnerable. Granted; but they always assume that ships would attack these forts. Now, that is an assumption which is completely unfounded, because the part of ships is to avoid forts, and the evidence before the Commission is, that the ships would never come near them. They would be able to shell Portsmouth dockyard 8,000 yards off without going near the forts. When we are talking about the erection of stone and iron forts, I would remind the House that it is only the Whig party who are said to raise stone walls to knock their heads against, and it is not likely that naval captains who know their duty would run their heads against these forts. All they want is to shell the dockyard; they are not going to take the forts. Everybody admits that a ship attacking a fort would

get the worst of it; but what we contend is that no ship need come near the forts, but that she might shell the dockyard from a distance at which the guns of the forts could make no impression. So much for the forts. By the bye, a gentleman called upon me this morning, and stated that if these forts were erected at Spithead or elsewhere, Mr. Mackintosh had a plan which would speedily render them useless and untenable. I have not examined the plan, but I know that there are fifty plans of that sort.

The next point which I should wish the House to consider is the entire condition of our artillery. I do every justice to Sir William Armstrong. I believe that a more scientific man does not exist. If he had done no more than give to the world his hydraulic crane, he would have rendered one of the greatest possible services to society; but I think that it has been most unfortunate for this country that we have that contract, worded as it is, with him. Certainly, the Armstrong contract keeps out of the service of the country other gentlemen who have valuable ability in the construction of ordnance. What is the Armstrong gun? The Armstrong gun proper is, I believe, a breach-loading rifled gun, and I understand that the money expended on this peculiar artillery, including plant, amounts to £3,000,000. What have we got for it? I challenge contradiction from the noble Lord the Secretary of the Admiralty, when I say that at this moment we have not got a naval gun. We have not got a naval gun upon which we can depend, except the rifled gun for distance. For close quarters, at which all actions at sea have been fought, and I think most likely will be in future, the old 68-pounder is the best gun that we have at this minute. After the expenditure of the sum I have mentioned, the rifled gun of Sir W. Armstrong cannot penetrate a ship so well or produce so great an effect at close quarters as does the old 68-pounder. What is our position with respect to naval artillery? The Duke of Somerset, than whom there never was a more efficient First Lord of the Admiralty, says—

"I used to think that no plates could resist the rifled gun, but I have changed that opinion. We have found that they are not so efficient as they were supposed to be, and that we must arm our ships with heavy smooth-bore guns, the velocity of which at 300 yards is much greater."

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It thus appears that, after having thought that we had made a great step with these rifled guns, we are actually going back to the old smooth-bore guns again. I doubt how far the opinion of the Duke of Somerset is founded upon scientific facts, but I know they are now constructing smooth-bore guns, under the impression that the rifled gun has failed. From that I dissent altogether. It may be true that Sir W. Armstrong is not able to give you initial velocity with his rifled gun, but I am of opinion that there are rifled guns the initial velocity of which is greater than that of smooth-bore guns. Unfortunately, however, the Armstrong contract shuts the market against other guns.

The Committee does not require to be told that the Report of the Commissioners is clearly against the evidence. I must take exception, indeed, to the whole proceedings of the Commissioners. One would have supposed that the subject under investigation being one in which artillery was mainly concerned, some artillery officers would have been examined by the Commissioners. What, however, is the fact? I find that six naval officers and one General of Engineers were examined. That was all very well; but what I object to is that only one artillery officer was called before the Commissioners. With such officers as Colonel Boxer, Colonel Alexander, and Major Macrae, at their command, I am surprised that the Commissioners did not think it worth their while to take more artillery evidence. It is true that Colonel Taylor who has a command at Shoeburyness, was examined, but his evidence is very short, and, in point of fact, there was no really good artillery evidence taken before the Commissioners. I am astonished that the Government should have founded their demand for more money upon such a report and such evidence. Let the Committee listen to some of the evidence. The first person called was a most distinguished member of the service, who also has the honour of a seat in this House, I mean the hon. and gallant Member for Wakefield, Chairman of the Iron Plate Committee. His opinion is entitled to great weight, because it is that of a scientific officer. Nor, in my judgment, is it to be thought less weighty because the hon. and gallant Member has changed his views. Sir John Hay is of opinion that the public money would be

better used if, instead of erecting forts, we were to spend it in the construction of floating batteries; and he states that a squadron of iron-sides would be able to shell the dockyard without passing the forts. He tells you why he has changed his opinion upon that point. Forts, he says, were all very well against wooden ships; but now that your navy is of iron, they will be of no use whatever. Captain Coles is of the same opinion. Here I must say that the Commissioners treated Captain Coles somewhat cavalierly. They came what used to be called in the army "the commanding officer" over him; and if he had not been a man of great determination, he would have been put down. He gave excellent evidence to the same effect as Sir John Hay. The next witness was Captain Sullivan, who, though in favour of forts, says the outer works are of secondary importance, that the new system of naval warfare is entirely in favour of defence, and that floating batteries as well as forts are necessary. Now, we come to another opinion entitled to great weight—the opinion of Captain Hewlett, Superintendent of Gunnery, in command of the *Excellent*. Captain Hewlett has seen service and knows what fighting is. He says, "I am still of opinion that no forts built at Spithead would prevent iron-cased ships passing and taking up their anchorage and bombarding the dockyard," and he prefers floating batteries. Further on he says, "I doubt whether any gun would be effective beyond 800 yards against iron-plated ships;" and yet, in the teeth of such evidence, we are ordering twenty more 156-pounder guns, as well as a 600-pounder. Then comes another very material consideration. The Report of the Commissioners is recommended to us on the ground of economy, because it is said forts will not require so large a number of ships and men. What is the evidence upon that point? Captain Hewlett is of opinion that forts will not lessen the requirements for as large a force, and the same statement is made by the First Sea Lord of the Admiralty. Admiral Sir Frederick Grey says—

"I think the forts are a very material addition to the defence of the place, but I am not sure that the existence of forts on the outer shoals would make any difference as to the number of vessels you would require to meet an enemy determined to attack you."

He states that, in his opinion, ships are much superior to fixed fortifications, and

he tells us to have iron ships before the forts, which are secondary in importance to floating batteries. I now come to the evidence of Sir W. Armstrong himself. His evidence was perfectly fair and above-board. He said he had no experience as to what his guns could do beyond 200 yards ; and, as matter of fact, no experiments have been made to ascertain what the effect of his guns would be at a distance of 1,000 yards, which is the space ships would have to cross between the forts. Sir William was asked whether he could hit a moving object at 1,000 yards. His answer is rather Irish :—"It would be difficult to hit such an object at that distance unless it was stationary." He says he is making a 22-ton gun ; in other words, a 600-pounder ; and, in reply to the question, whether there is any limit to the size of artillery, he states, "If we succeed with the 600-pounder, and do not discover any appearance of approaching a limit, then we may go on another step." I have not the smallest idea what a 22-ton gun would cost, nor do I think the right hon. Gentleman the Secretary for War is able to enlighten me upon that point. I have a notion, however, that such a piece would cost at least four times as much as any other gun. But, says Sir W. Armstrong, "we may go on another step." Where, I ask is all this to end ? With a man like Sir W. Armstrong going on regardless of expense, backed by the Government as his sleeping partner, I am afraid we may take further steps until we run up a bill large enough to require the addition of another penny to the income tax. Next comes the evidence of the hon. and gallant Member for Chatham, an officer of fifty years experience, who has seen actual warfare. Sir Frederic Smith strongly condemns the construction of forts, and yet the Report of the Commissioners is entirely the other way. Something is said in the Report about the cost of these forts. The estimates are most unsatisfactory. We have had some figures to night from the Secretary for War, but the right hon. Gentleman frankly said he was unable to tell us what the cost of the forts would be. It is very extraordinary that the Government should call upon us for a vote of money while the Secretary for War cannot tell us what the cost will be, because, as he said, he has not got the working plans. I want to know where the working plans are. I pause for a reply.

SIR GEORGE LEWIS : Perhaps I

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may be allowed to explain what I did say. I said that it was originally impossible to prepare a perfectly correct estimate, because the working plans were not then in existence. That was two years ago.

MR. BERNAL OSBORNE : Are they now in existence ? No, they are not, and for this very good reason, that the whole plan and scope of the forts have been changed in the interim. It is impossible for the right hon. Gentleman or anybody else to give anything except an approximate estimate of what these forts will cost. We have that fact clearly stated in the evidence before us, as well as in the excellent analysis which everybody has read, which does my hon. Friend the Member for Finsbury so much credit, and which, moreover, has saved me so much trouble. What is the evidence of Mr. Hawkshaw, President of the Institution of Civil Engineers, a most able engineer, and a very careful man in giving an estimate ? The Commissioners say in their Report—and this shows the reckless way in which we are proceeding—

"As regards the probable expense of the proposed forts, we refer to the evidence of Mr. Hawkshaw, who states that he does not anticipate that the cost of the foundations will exceed the sum originally estimated."

How is that borne out by the evidence ? In reply to a question as to the probable expense of the foundations Mr. Hawkshaw says, "I cannot give a conclusive answer to that question ;" and then he proceeds to give an approximate estimate. He says the Horseshoe fort may be executed for £50,000 ; No-man's for £80,000 ; and the Sturbridge, supposing it should turn out as he hopes it will, for about £100,000. The state of the foundations at Sturbridge is very curious. I believe they have been digging to a depth of something like forty feet, and yet they have not been able to find a foundation. Mr. Brooks, an engineer of great reputation, has given us a much higher estimate in his pamphlet. In the first place, he objects to the raising of these forts, because, as he says, the Sturbridge works will injure the anchorage-ground. He estimates the cost of the foundations of all these forts at £800,000, and the superstructure of each fort, which is to be of 10-inch plate, will cost at least £200,000. This does not include the cost of enormous guns, hydraulic machinery, which has never yet been tried, or ammunition, which is a very important point

when you have to deal with such heavy artillery, and are using fifty pounds of powder at every shot. Therefore, I say, we have not even an approximate estimate of what the cost of these forts will be, although the right hon. Gentleman comes down to the House and tells us, that the original estimate being £5,000,000, it is already exceeded by upwards of one million sterling. I do not hesitate to say, that if this plan be carried out in its entirety, instead of £5,000,000 or £6,000,000, the cost will be more like £20,000,000, including hydraulic engines and armament. Is the Committee prepared to give its assent to this profligate expenditure of money? So much for the minutes of evidence. But an observation occurs in paragraph 17 of the Report to which I must call attention.

One of the arguments in favour of these forts is, that they will be less costly and more permanent than ships. Now, as to relative cost, the question must be one of relative value as between forts and ships; because, if these forts fail, their permanency becomes a positive evil. What we have to determine is, which are the more really efficient—the ships or the forts? I say the erection of such forts will be a permanent evil, because it will deter the country from making the essential defences. There is another question on which I touch lightly. The original plan of these forts, and that on which the estimate of £9,000,000 was framed, was that they should be constructed of granite; but within our own experience the whole theory of the forts has been altered. In 1860 they were to be of granite, and in 1862 they are to be of 10-inch plate, and yet one of the arguments in favour of forts is, that they are of a permanent character, and not subject to fluctuation. The hon. Member for Finsbury (Sir Morton Peto) has let the House into a great secret. It appears that the Commissioners had no very great confidence in their own opinion in regard to these forts, and they consulted a civil engineer with regard to their construction. They asked the advice of Mr. Bidder; and the advice he gave appears at page 80 of the pamphlet of my hon. Friend (Sir Morton Peto). What was Mr. Bidder's advice? He says—

"After I had inspected the plans, I called upon Lieutenant Colonel Jervis, the Secret r to the Commission, and stated to him that I wa of opinion that the fortifications were more likely to be

beneficial to an enemy seeking to enter Spithead than to be obstructive to his entrance. Still, I said, if the Commissioners were determined to erect such forts, I should feel it my duty to advise them to the best of my power as to the most efficient mode of construction."

He continues—

"I pointed out to Lieutenant Colonel Jervis their utter inefficiency, and urged that they were absolutely indefensible even against ordinary gun-boats, and I positively declined to have anything to do with them as originally planned."

Now, the odd thing is that Mr. Bidder was never called before the Commission, though it was supposed that the Government had adopted his plan. Further on he says—

"I feel fully assured that the forts of Spithead, as originally designed by the Commissioners, as well as many of the fortifications now being constructed on various points of the coast, have been designed in utter and entire disregard of the power and accuracy of modern artillery, and are almost as likely to facilitate the destruction of their defenders as of any enemy that might act against them."

In the teeth of such statements as these is the House prepared to act on the Report of the Commissioners, who never called on Mr. Bidder to give evidence, although they adopted his plan? On a matter of detail I must throw myself on the patience of the Committee; and having now examined the Report of the Commissioners, let us come to the consideration of cost, on which we have heard something, but not much from the right hon. Gentleman. I must say, that although the speech in itself was specific enough, a more unsatisfactory speech to induce the House to vote £1,200,000 for defences never was delivered by the Secretary of State for War to an attentive House of Commons. I heard not one argument except that we should be upsetting Parliamentary government if we changed our minds. Why, Sir, has not every one of us changed his mind? Has not the noble Lord at the head of the Government changed his mind over and over again? If Parliamentary government is to be upset by change of mind, Parliamentary government is already for ever gone. What argument have we heard in favour of these land defences? I find it is the opinion of the most eminent men on this subject, that under the new conditions of war—the system of protecting ships by iron, and the advantages of steam—the landing of an enemy's force in this country is rendered almost a matter of impossibility. The Commissioners are always assuming

that we have lost the command of the Channel. I am of a very different opinion. I deem that to be impossible. When you do lose the command of the Channel, England and Parliamentary government are gone together. Is the Committee aware that there are seventeen miles of fortifications contemplated at Portsmouth? A very material consideration arises here, on which the hon. and gallant Member for Chatham (Sir F. Smith), who perfectly understands the subject, will speak with some authority—I mean as to the garrisons which will be required for these forts. That is a very material point, for it is of no use to have forts without garrisons. I have made a calculation from Government returns, and, taking them at the lowest possible figure, there will be required for those seventeen miles of fortifications at Portsmouth, a garrison of 30,000 men; for Plymouth, 25,000; for Chatham, 16,000; for Dover, 4,000; for Pembroke, 8,000; and for various other stations 10,000 men—making a total of 95,000 men. Has that ever been mooted before? The Defence Committee informed the Government upon this point, although no notice was taken of it. They said—

"The Committee consider that they would be shrinking from their duty if they did not bring forward their opinion as to the insufficiency of the present regular army, and they trust that it will be increased."

Of course, every military man must know that if you erect forts on this enormous scale you must have men to man them; and it will not do to be flourishing about your Volunteers, you must have regular soldiers. I ask, then, is the House prepared for this addition of 95,000 men? What, then, after all is the argument for these forts at Portsmouth? I have heard none from the right hon. Gentleman. I do not know whether hon. Members have in their possession the original Report of the Commissioners on the Defences at Portsmouth; if they have, I hope they will turn to the evidence of Sir John Burgoyne upon this point. Sir John Burgoyne was all through the great Peninsular campaign, and he concluded an honourable professional career by being present and giving his opinion as to the Malakoff being the proper point of attack at the siege of Sebastopol. At page 34 of the evidence, Sir John Burgoyne is asked by the Chairman, question 588—"You consider that it is necessary to occupy Portsdown Hill?" In answer to which he says—

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"My difficulty about occupying Portsdown Hill is the vast extent of the place. I cannot see what chance you would ever have of finding a garrison which would be equal to covering such an extent of defences. It is a beautiful position; but I think it would not be less than seven miles in extent. It must be defended, I think, by an army."

He was then asked—

"Do you not think we might always reckon on having a force of 20,000 men at Portsmouth?" and he answers—

"If I had 20,000 men, and were a general in command of Portsmouth, I would occupy Portsdown Hill, and throw up field-works, and hold it as long as I possibly could, and very likely with some success; but what I should be afraid of would be placing permanent works there, and not being able to occupy the position."

That was his opinion about Portsdown Hill. Another material part of his evidence is this—

"I would not make these fortifications—I do not see that it is necessary."

He then goes on to say that he would throw up earthworks on occasion, and he observes—

"It would not only save a great deal of previous expense, but it would also come unexpectedly upon the enemy, who would know perfectly well how everything was previously established."

Sir John Burgoyne then sums up his evidence by saying that he does not recommend that the fortifications should be built at Portsdown Hill at present. I am not to be told, then, that I am one of a miserable minority who know little about this matter, for we are backed up by the Inspector General of Fortifications, who is clearly against these works at Portsdown Hill. And when it is said, "We have spent a considerable sum on them already," I answer, "That is true, but don't throw away good money after bad." These forts, Sir, are the plaything of the noble Lord at the head of the Government, and his alone. And suppose he has his wicked will, and that the forts are raised and the lines manned round Portsmouth, there is another consideration. There still remains this question—What will be the ultimate value of Portsmouth as an arsenal and naval dépôt? Why, is there not some question already about removing from Portsmouth? And are we to be expending these enormous sums upon hypothetical plans, when it is even now a moot point whether, under the changed conditions of naval warfare, that place should continue to be your great naval dépôt? The case of Plymouth is very similar to that of Portsmouth, and I need hardly enter into

it at any length. The only difference between the forts contemplated for both places is, that at Spithead they are at the distance of 2,000 yards apart, while at Plymouth the distance is to be about 1,500 yards. But there is a point which, I confess, escaped my notice and that I believe of other Gentlemen, but which was detected by the watchfulness of the hon. Member for Norfolk—I mean the proposed fortress behind Plymouth Breakwater. That is a very peculiar fortress and very peculiarly situated. The depth of water where it is to be built is 36 feet at low water of the lowest tide, and the foundations are to be brought up 6 feet above high-water mark. I do not believe the masonry is to be entirely solid, but the work is to take five years to complete it. When this subject was brought forward by the hon. Member for Norfolk, it was rather pooh-poohed by the right hon. Gentleman the Secretary of State for War, who declined to refer it to the Commission. I was much astonished, however, on Saturday morning, to find put on my table a Report from the Defence Commissioners on the proposed fort behind Plymouth Breakwater; but I was still more astonished to see the conclusion at which the Commission arrived. They examined one witness only, and here is their conclusion—

"On consideration of all the circumstances, we are of opinion that a work behind Plymouth Breakwater is necessary for the defence of the Sound; and that the site on which it is proposed to erect it is the best that could be selected."

The one witness they examined was the Harbour Master, Commander Aylen, whose answers ought to have convinced them that the fort would be utterly useless. This officer is asked—

"Do you consider a fort on that site would be of considerable importance for the security of the Sound in time of war?"

And he replies—

"With wooden ships I think it would be of the greatest importance; but in the case of iron ships it would depend upon the force of the shot, and the distance at which it would penetrate them."

So that in the teeth of their own witness they recommend the construction of this fort with renewed animation. Was there ever such a Report founded on such evidence? In the very clever pamphlet written by Sir William Snow Harris, a most able scientific man, he attacks my hon. Friend the Member for Finsbury, who, he says, knows nothing at all about it, and is himself entirely in favour of the

Spithead forts. Yet, even Sir William Snow Harris, in his pamphlet, calls on the House of Commons—for his pamphlet is addressed to the House—to resist the expenditure of some £400,000 or £500,000 of public money on the fortress at Plymouth Breakwater. He says there would be some serious maritime objections to the proposed island of stone, and it would certainly be a great obstacle in the way of vessels passing in and out. I hope, therefore, that whatever decision the Committee may come to, it will at least see that a case has been made out against the continuation of the land fortifications at Portsdown Hill and Plymouth, and also against this particular fortress behind the breakwater. I now approach another place; and having been formerly connected with the town, I feel some delicacy in speaking of it. I mean the fortifications at Dover. And I am warranted in what I say by the remarks published on the 17th of April, 1862, by that great public instructor, *The Times* newspaper, which, though it has inclined both ways, is rather in favour of the forts. It says that the money to be expended at Dover is about the most profligate waste of money which the country has ever seen. And, on looking into the subject, I think the Committee must be much disposed to agree with that opinion. What was the original Report as to the fortifications at Dover? It is really curious to see how the public money is thrown away. The Report says—

"If there were no works of defence or military establishments there (at Dover) already, it appears to your Commissioners that it would become a question whether that place should be fortified or not."

The only reason they give is that the scheme of constructing a large harbour of refuge there—of which I will say something by-and-by—forms an additional ground for fortifying Dover; and they go on to observe that under all the circumstances, as we have some existing fortifications at Dover, they would recommend us to extend them. On the 2nd of August, 1860, the noble Lord at the head of the Government himself spoke on this point. Here is a summary of his reasons for spending money at Dover, and I shall be glad to know whether they are satisfactory to the House now. The noble Lord said—

"As regards Dover, it is quite true, that if there were no works and no harbour, it would be a question whether the mere topographical position of Dover would or would not lead you to con-

struct defensive works there. . . . You have had at all times, according to the mode of warfare for the time being, works at Dover."

Thus, having at all other times had defensive works at Dover, we are, on that account alone, to spend £300,000 or so more there. What is the real position of Dover? Contrary to the advice of the most eminent engineers, a harbour of refuge was commenced there. That harbour of refuge has never been carried out. It has been a trap for catching all the shingle swept round by the current along the coast there. You have, however, built fortifications to protect the harbour of refuge that was to have been, and now you are adding fortifications to protect those fortifications. What you have got at Dover is a mere landing-place for packets; because it is impossible from its situation that it can ever be a harbour of refuge. And the fortifications there are being constructed on that plan which Mr. Bidder assures you will make them a serious danger to their defenders, and beneficial only to the enemy attacking them. And how is the Dover landing pier being built? Why, with vertical walls from the level of above seven fathoms in depth at low water spring tides, which would present an excellent target for gunboats to practice at! The pier cost about £1,200 for each yard of its length; and I am told that a shot or so at a range of 800 yards or more would bring down each yard, and leave it a ruin. That is not the case of Dover alone, but of Alderney also, which was so very nearly done for the other night, because the House is beginning to see the gross imposture which has been practised on it. Not only is that the case at Alderney, but, I am happy to say, at Cherbourg also there are these vertical walls, which guns of great power at long distances can completely knock down. And yet we are called on to go forward with works at Dover, where there is no harbour, and where there only use will be to shut up 6,000 men. If the Commissioners had their way, and if house property had not been so expensive at Dover, they wanted to buy more land and to erect more fortifications. Do let us come to an end of these proposals, and by one decisive Vote show that this House is not to be hoodwinked into paying money in the dark for works which so far from being useful, are positively mischievous. We heard something to-night about a central arsenal. I do not mean to offer any opinion with

regard to it, because I do not think the right hon. Gentleman himself knows where it is to be, or much about it; but I do say that the Resolution before us we are bound to resist, because it binds us to an adoption of past expenses, which, far from having been attended with beneficial results towards the national defences, have been only robberies on the national purse. The number of big Armstrong guns contemplated by the Commissioners will entail further enormous expense; 915 are to be mounted at Spithead, and the total number required for the dockyards will be 3,721. What does the Committee suppose will be the cost of this armament? An Estimate of £6,000,000 is talked of, but you cannot tell what it will mount up to. Oh, but we are told this recommendation proceeds from a military commission. I say the House ought not to submit implicitly to these military authorities. What was the experience of a very great man now no more? The late Sir Robert Peel, whose opinion the House will do well to weigh, said on the 12th of March, 1850—

"In time of peace you must, if you mean to retrench in good earnest, incur some risks. . . . If you will have all our fortifications in every part of the world kept in a state of perfect repair, I venture to say that no amount of our annual revenue will suffice. . . . If you adopt the opinions of military men, naturally anxious for the complete security of every assailable point, naturally anxious to throw upon you the whole responsibility for the loss, in event of war suddenly breaking out, of some of our most valuable possessions, you would overwhelm this country with taxes in time of peace."

Is this the moment when you should overwhelm the country with taxes in time of peace? No: I answer the question with the following opinion delivered by a living Member of Sir Robert Peel's Cabinet:—

"It is useless to blink the question that not merely within the circle of public departments, but throughout the country at large, and within the precincts of the House of Commons, among the guardians of the purse of the people, the spirit of public economy has been relaxed, charges on the public taxes have been submitted to from time to time with slight examination, and every man's petition or prayer for this or that expense has been conceded with facility which I do not hesitate to say has only to continue some four or five years longer in order to bring the finances into absolute confusion."

This was the opinion of the Chancellor of the Exchequer in 1859; and are we better off in 1862? I say no; and that if we are yearly called upon to pay these enormous sums for national defence, in the words of the Chancellor of the Exchequer, we shall

involve the finances of this country in inextricable confusion. If we are to have national defences, I agree with what is stated in the last part of the Commissioners' third Report, that the navy is the arm on which this country must mainly rely. The command of the Channel is the real security that we ought to possess, and we are not to assume that our naval supremacy has been lost. The blockading squadrons of old were composed of sailing ships, which were liable to be driven off by gales of wind; but we now possess the advantage of steamers, which can continue the blockade irrespective of wind or weather. The new conditions of war are more favourable for defence than attack. Let anybody who doubts this read the pamphlet of Sir G. Sartorius, a most able officer, in which it is maintained that the power of defence has increased in the proportion of 10 to 1, and that in these days of iron-plated navies it would be impossible for transports to land troops. Let us not be run away with on this subject by the belief that we are in a worse position than we were before. We have iron and steam, and we are better able than any other country to make use of those advantages which nature has given us. I agree with the right hon. Gentleman on the other side (Mr. Disraeli) that this talk of invasion is an absolute delusion. And I am not putting this merely on economical grounds. If we are always assuming a pugnacious attitude, and initiating what is called a spirited foreign policy, the result of which has been to increase our taxation to something like £70,000,000—if we are one day drawing Reform Bills for Sardinia, another day lecturing America, and always pointing the finger of suspicion at France, the natural consequence must be that we shall have the income tax saddled upon us for ever; and not only that, but probably we shall be obliged to restore the paper duty and sundry other taxes as well. I must protest against this policy, and I am fortified in my opinion by declarations made upon very high authority. Here is the opinion of one right hon. Gentleman, a Member of the present Cabinet, and on that account entitled to respect—

"Greatly as I respect in general the courage, energy, and undoubted patriotism of the noble Lord, I accuse him of this—that his policy is marked and characterized by what I must call a spirit of interference. . . What is to be the result? That if in every country the name of England is to be the symbol and nucleus of a party, the name of France, Russia, or of Austria

will be the same. Are you not by this laying the foundation of a system hostile to the real interests of freedom and destructive of the peace of the world?"

Those are the sentiments of the present Chancellor of the Exchequer with regard to the foreign policy of the noble Lord at the head of the Government. But there is another opinion, which is probably entitled to more weight, because, though the right hon. Gentleman was at one time hostile to the noble Lord, he has always sat on the same side of the House. He is now a Member of the Cabinet, and as such his opinion is entitled to respect—

"When the noble Lord was in any difficulty he made no scruple of accepting the votes of the Conservative against the Liberal party. . . He believed that the cause of these foreign complications was to be traced to what the Member for Sheffield called the 'mischievous activity' of the noble Lord, who interfered in all parts of the known world. They were told the name of Lord Palmerston was a tower of strength; he doubted that."

That was the opinion of the present Premier delivered by the right hon. Gentleman now President of the Board of Trade in 1857. These measures are all initiated in distrust of France. I ask, how has the Emperor of the French justified this treatment at the hands of the noble Lord? When we were paralysed by the terrible Indian mutiny, the Emperor of the French not only gave us the same sympathy which the noble Lord offers to Italy—words—but he offered our troops a passage through France to India. What was his conduct in reference to the *Trent* the other day? Why, if France had taken an attitude hostile to us, it might have involved this country in war. But he took no such attitude; he remonstrated with the American Government in the strongest manner, and was entirely on our side. Again, when it was necessary to send off troops with that efficiency which incurs increased expense, and we had no clothing suited to a cold climate, the Emperor of the French furnished us with warm clothes from the dépôts of his own country. And yet we talk in irritating language of that ruler. These are neither the traditions of the Liberal party, nor are they the traditions of that Whig party once great and flourishing. Allow me to read a letter from Earl Grey to Mr. Fox, written in 1802, which you will find in the *Life and Opinions of Lord Grey*, lately published. He says—

"I would avoid most decidedly all those foolish tirades, which, however magnificently they sound,

add nothing to the real vigour of our measures, and serve no purpose but that of irritation and distrust."

The Whig party has somewhat fallen away since that date. What have become of the words Earl Grey uttered—"Peace, retrenchment, and reform?" Peace has become a sort of armed truce with the expenditure of war. Retrenchment was made the subject of an abstract Resolution. Reform was courted and caressed and adopted by both sides of the House in the palmy days of its Parliamentary prosperity; but now it is treated like an indigent and disagreeable connection, and not suffered to come into the House. Such, Sir, is the state of the Liberal party. I say this House is bound not to accept abstract Resolutions. Let them take peace from whichever party may give it to them, retrenchment whatever side it may come from, and reform whenever they can get it. But in any event there must be no abstract Resolutions. The proposition which I make is no abstract one; and, feeling that I have reason on my side, I put, Sir, with some confidence, this Amendment in your hands.

#### Amendment proposed,

To leave out from the first word "That" to the end of the Question, in order to add the words "considering the changes and improvements now in progress affecting the science of Attack and Defence, it is not at present expedient to proceed with the construction of the proposed Forts on the shoals at Spithead, or the additional Defences at Portsmouth, Plymouth, and Dover, recommended by the Commissioners appointed to consider the Defences of the United Kingdom; and that, in any general system of National Defence, this House is of opinion that the Navy should be regarded as the arm on which the Country must mainly depend,"

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the proposed Resolution."

SIR GEORGE LEWIS: I regret, Sir, it will be my duty to trouble the Committee for a short time in consequence of observations made by my hon. Friend. I think he hardly exercised any great forbearance in the remarks which he addressed to the Committee in the early part of his speech; for, having prepared himself at great length on the subject of the Spithead forts—[Mr. BERNAL OSBORNE: Hear, hear!]—and having marked a great number of passages in the Report of the Commissioners, he thought it necessary to go into a subject

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which for the present is withdrawn from the consideration of the House—to speak the speech he had prepared, and to read a number of extracts which are totally irrelevant to the question before the Committee. [“No, no!”] Yes—which I venture to say are wholly irrelevant to the question before the Committee, because I stated it was not the intention of the Government to proceed for the present with the Spithead forts; that the question relating to those works was postponed, and that notice would be given of the intention of the Government before the works were resumed. Therefore I refrained myself from referring to the Report of the Commissioners, and from going into any of those engineering or scientific difficulties involved in that Report. My hon. Friend has thought it necessary to go at great length into that subject, and also to quote a considerable part of the pamphlet written by the hon. Member for Finsbury, having but a very slight bearing on this question. I shall not follow my hon. Friend into all the topics with which he has dealt; but passing many of them over, I shall venture to call the attention of the Committee to the precise practical effect of the Amendment in the event of it being accepted by the Committee. There are two courses, either of which I think the Committee might in reason and on fair argument adopt. One would be, to regard this question as amply considered and practically determined two years ago, and to furnish the additional sum demanded by the Government—namely, £1,200,000, being £100,000 per month for the next year, in order to continue the works in progress. By adopting that course the Committee would be providing means for the continuance of the scheme of fortifications which was adopted, as I think most properly, on the recommendation of the executive Government. There is another course which, if the Committee thought fit, might be taken in reference to this subject. They might say, “We were entirely mistaken in our views two years ago; we now think this extravagant scheme of fortifications quite unnecessary; we are of opinion that there is no danger of an enemy landing in this country; we hold that our fleet is sufficient for the defence of our shores; we maintain that, notwithstanding the improvements in steam navigation, it would be impossible to bring any great body of men across the Channel in a short time; and therefore we repu-

diate our act of two years ago, refuse any further grants for the continuance of the plan, and in respect of all works constructed, or partially constructed, in accordance with our former scheme, we will 'make a loss,' as it is called in trade, of what has hitherto been expended, and restore things to the state they were in prior to 1860." I think, Sir, that either of those courses might be defended by logical and consistent reasoning. But as regards the third course, it appears to me to be the most unreasonable, and, if I may be permitted to say so, with great deference to the judgment of my hon. Friend, the most absurd one that it was possible for the wit of man to conceive. The position of my hon. Friend is that the Committee should say, "We will not come to any decision now, we will postpone this question, we will stop all works now in progress, we will leave those works half finished"—and those works half finished would be more dangerous than no works at all in case of an invasion of the country—"we will come to no practical decision at all; but having incurred a great deal of expense, we will leave the matter in a half-finished state." That appears to me to be a course which it is impossible for any man of sane judgment to propose. Notwithstanding that, what does my hon. Friend propose in the Amendment which he has submitted to the Committee—

"That considering the changes in progress affecting the science of Attack and Defence, it is not expedient to proceed with the forts at Spithead, or additional Defences at Portsmouth, Plymouth, and Dover."

The works at Spithead have already been suspended in deference to the wishes of this House. The Government threw no difficulty in the way of giving effect to the opinion of the House on that subject; but a very considerable demand has been made on the Executive for the suspension of those works, so that the course recommended by the House is not a very cheap one. The question now is, shall we suspend all the works at Portsmouth, Plymouth, Portland, Dover, Chatham, Pembroke, and other places where fortifications are being constructed? The principal portion of those works are going on at great naval arsenals, and the object of those defences is to secure those places where our navy is repaired and fitted out. My hon. Friend says that the navy is the great defence of England. Undoubtedly it is; but what will our defence be if you allow the naval

arsenals where our ships are repaired and fitted out to be destroyed and taken by an enemy? It seems to me that all which need be said is that this plan of defence was well-considered two years ago; that it had been prepared by the combined skill of most competent engineers; that it had been submitted to two Commissions of eminent engineers both military and civil, and had received the sanction of those high authorities. My hon. Friend has been able to quote professional opinions condemnatory of our plan. If opinions of this kind are held to be conclusive, I can tell the Committee that it would be utterly impossible to carry any plan of this kind into effect; for whatever may be the plan prepared by an engineer, whether for fortifications, or harbours, or docks, I venture to say you will find persons to come forward and declare that it is as vicious a plan as it is possible to conceive. My hon. Friend cited an opinion to the effect that the fortifications at Portsmouth, so far from affording protection to the place, would actually be an advantage to an attacking enemy. I must say I think very little of a single opinion of that sort. Nothing is easier than for hon. Gentlemen who wish to produce an impression on the House to cull from various sources hostile expressions of this character; but if they were to weigh with the Committee, there would be no possibility of taking any practical steps. All that the Government can do is to consult a sufficient body of competent and disinterested scientific judges, and to adhere to the advice of that body when it is given. It is quite true that Dover is not a naval arsenal, but it is held by military authorities to be a very important place with regard to the defence of London in the event of a descent upon our southern shores. A fortified camp at Dover, occupied by troops, would be a material assistance to the defence of the metropolis. [Mr. BERNAL OSBORNE: Oh!] In saying that I am not giving my own opinion. I wish it to be distinctly understood that I entirely decline to discuss questions of military science on any judgment of my own. I do not think that any advantage would accrue if we attempted in this House to debate technical matters of that kind except by a reference to scientific and experienced authorities. I can assure my hon. Friend that the opinion which I have just mentioned as to the importance of Dover is entertained by competent judges. My hon. Friend

seemed to think that he made a strong point when he showed the difficulty of manning the fortifications, and produced an exaggerated estimate of the number of troops that would be required. [Mr. BERNAL OSBORNE: It is the estimate of the Commissioners.] Whether it be the estimate of the Commissioners or not, it is certainly exaggerated. The Committee will, probably, agree with me in thinking so when I tell them that while my hon. Friend spoke of 95,000 men as necessary to occupy the fortifications, the rank and file at present in the United Kingdom do not number more than 64,000. It seems to me, therefore, that his estimate far exceeds both reason and probability. I will submit to the Committee the opinions of some competent judges as to the necessity of manning fortifications with regular troops. The following is recorded among the opinions expressed by Napoleon at St. Helena:—

"The garrisons of fortified places ought to be drawn from the population, and not from the active army; provincial regiments of militia were intended for this service: it is the noblest prerogative of the national guard. In times of great misfortunes and adversity, States are often destitute of soldiers, but they are never without men for their internal defence. 50,000 national guards and 2,000 or 3,000 cannoneers will defend a fortified capital against an army of 300,000 men. These 50,000 men in the open field, if they are not complete soldiers and commanded by experienced officers, will be thrown into disorder by a charge of a few thousand cavalry."

Those are the views of a man whom my hon. Friend will surely acknowledge to be a competent judge of the art of war. I will next read an extract from a recent Report by a man who, although very inferior, of course, to Napoleon, is a general officer of ability and experience, and Engineer in Chief of New York. He says—

"It may not be out of place to indicate the mode by which the system of fortifications can be manned and served, without an augmentation, for that particular purpose, of the regular army. The force that should be employed for this service in time of war is the militia (using the term in a comprehensive sense), the probability being, that in most of the defended points on the seaboard, the uniform and volunteer companies will supply the garrisons needed. And it may be shown that it is a service to which militia are better adapted than any other. The militiaman has there to be taught merely the service of a single gun, than which nothing can be more simple; he must learn to use the rammer and the sponge, the handspike and the linstock, to load and to run to battery, to trail and to fire; these are all. Each of these operations is of the utmost simplicity, depending on individual action, and not on a concert, and they may all be taught in a very short time.

*Sir George Lewis*

There is no manœuvring, no marching, no wheeling. The squad of one gun may be marched to another, but the service of both is the same. Even the art of pointing cannon is to an American militiaman an art of easy attainment from the skill that all our countrymen acquire in the use of firearms, "drawing sight" or "aiming" being the same act, modified only by the difference in the gun."

That shows that it is not essential to man fortifications with the regular army in the event of an invasion. If such a calamity ever befell us, I apprehend it would not be necessary to man all the different works. The force would naturally be directed to the point threatened, of which some knowledge would, of course, be obtained beforehand. It is a manifest paradox to maintain that fortifications do not tend to the defence of a town. What may be the extent of the danger to be guarded against, or to what extent it is desirable to go in incurring the expense of fortifications, are subjects upon which difference of opinion may reasonably exist. I do not at all complain of the line which has been taken by my hon. Friend in bringing that part of the subject before the Committee; but to maintain, as he does, that fortifications are of no value, that we must look only to the fleet to defend our shores, and had better demolish the works which have been raised at so much expense, appears to me to be a monstrous abuse of the powers of reasoning. I trust, that whatever the Committee may think of parts of the speech of my hon. Friend, they will not agree to any proposition so abhorrent to common sense.

SIR FREDERIC SMITH said, as the right hon. Baronet had told them that the works at the forts at Spithead were not to be continued, it would be a useless waste of the time of the Committee to enter into much discussion with regard to them at present. He was glad to hear the announcement, and he believed the works would ultimately be given up for ever. The outlay upon them would be a useless and wasteful expenditure of public money, because the Report of the Royal Commissioners teemed with evidence showing that the forts could not prevent a ship passing them at night, and scarcely by day. The right hon. Baronet seemed to think that the hon. Member for Liskeard had said that fortifications were of no use; but he did not hear him make such an assertion. No one who well considered the subject could say this, because it was obvious to every person of common sense, that if a town were fortified, it became stronger against an enemy

than it was before ; but the question now was whether the Government were fortifying the right places, and whether they had an adequate force for their garrisons. He contended that they were not the right places, and that the existing army could not supply the requisite garrisons. It was notorious that for the future our fleet must be of iron. Would any hon. Member get up and defend wooden against iron ships ? Then, where were they to construct our iron ships ? He did not think that the House would consent at present at least to the royal dockyards being altered for the purpose, for at this moment iron ships could be constructed more cheaply, and certainly more expeditiously, in private dockyards. He was sure the Secretary to the Admiralty would not say that in building the *Achilles*, for instance, the Admiralty had not consulted private ship-builders experienced in the construction of iron vessels. Speaking with every respect of the builders in the Government yards, he must say that it would be unreasonable to expect them to be at once as skilful in this description of construction as the men in the private yards, who had great experience as regarded iron ships. The whole life of the former had been passed in building wooden ships, the construction of which was entirely different ; and if they were to be employed upon iron vessels, they and all under them would have to devote a considerable time to the study of this difficult system of shipbuilding ; and, besides this, the Government yards would have to be supplied with the necessary plant, which they did not now possess, and which would entail a heavy cost. Within the last two or three days Mr. Scott Russell had published an able work on the subject, and any one who might read it would be convinced that the true course was to construct our iron ships, for the present, chiefly in private yards, and to keep the present Government yards for repairing purposes, for which they would necessarily be required. If, however, the Government went to private shipbuilders to build their iron ships for the new fleet, the fortifications of Portsmouth and Plymouth would be of the less importance, and they would not only get rid of the Spithead forts and the forts behind the breakwater at Plymouth, but would also save the necessity of defending many miles of fortifications. The right hon. Gentleman had spoken of the Militia and Volunteers as being likely to assist in defend-

ing these fortifications. No man had a greater respect for the Militia than himself ; but after we might have had many years of peace, and when so many Militia regiments would have been long disembodied, it could not be expected that they would not be found undrilled and undisciplined. The Volunteers were undoubtedly a valuable force ; but it would be absurd to expect that men from the midland counties, for instance, would leave their families to go and defend a distant arsenal. The proper application of the Volunteer force must of necessity be in a great degree for local defence ; and although we were told of the alacrity they evinced to take their part in great reviews of that force (such as at Brighton and elsewhere), which was deserving of all praise, and although they would doubtless join their battalions, brigades, and divisions in great numbers on the day of invasion, and would cheerfully resist a landing, and play their part gallantly in a general action in or near their own counties, it was unreasonable to expect that such men would with alacrity offer themselves to be shut up in a fortress remote from homes and properties exposed to attack. The right hon. Baronet, in his admirable speech in introducing the Army Estimates, calculated the regular forces of the United Kingdom at 81,614 men, or with the Indian dépôts 89,238. Allowing for recruits and casualties, however, the number of effectives would be reduced to 80,000 men. For Portsmouth there would be required, as a garrison for the existing works and for the forts in course of construction, 30,000 men. The number proposed by the Duke of Wellington was 10,000 ; but the line of defence being multiplied by three, there ought to be 30,000 ; but being desirous to understate rather than overstate, he would assume, however, that the number might be reduced to 25,000. Then Plymouth, with its sixteen miles of works, would, according to the estimate of the Commissioners, require 15,000 men ; Dover, 6,000 ; Pembroke, 8,000 ; the Isle of Wight, 6,000 ; Chatham, 15,000 ; Sheerness, 5,000 ; Ireland, 10,000 ; Scotland, 10,000 ; and the Channel Islands, 5,000 ; making an aggregate of 105,000 ; that is, 25,000 more than your whole regular force. But where would troops then be found for the field ? There would be none, for the best soldiers would be locked up in forts. It was all very well to quote the opinion of Napoleon, and to say that

he had recommended the defence of fortified places by militia ; but it was not with militia that he defended Badajoz and Ciudad Rodrigo. He put his very best troops into those and similar places. If a place were worth fortifying, it was worth good defenders, and it was not advisable to put recruits only into forts. The best defence, however, was the valour of a people ; and with a well-appointed army of regulars and well-trained Militia and Volunteers we might defy invaders. He trusted, that if the Government could stop any of these works, they would do so, except, of course, those which were near completion. He could assure the right hon. Baronet that he had been misinformed with regard to the works on Portsdown Hill. He said they were half finished, but in fact they were scarcely begun. Some deep ditches had, indeed, been dug ; but the garrison of Portsmouth would fill them up in three or four weeks, should it be determined to abandon the greater number of these forts, which he strongly recommended. If it were a question of compensation to contractors, he was sure that one or two practical men like the hon. Members for Evesham, Finsbury, and Glasgow, would come to an arrangement with them in three or four days. That would relieve the Government of a great expenditure, and the Chancellor of the Exchequer ought to be deeply thankful. The longer the expenditure went on the more reluctant the House of Commons would be to grant more money and to throw good money away after bad. If the Government were determined to proceed with the Portsdown forts, he trusted they would not go on with the Hilsea forts, which were hardly commenced ; and as the contractor had failed, they had got rid of him. It might be remembered by many hon. Gentlemen, that a ditch and well-flanked rampart extended from Langstone harbour to Portsmouth harbour, cutting off Portsea Island from the main. This was not a very formidable defence ; but a project was approved by Parliament and money voted to give it a much more imposing character, and, in short, it would have compelled any enemy who had been able to reach thus far to sit down before this line and to besiege it. But all at once the long range gun was invented, and an immediate alarm seized all the officials, who apprehended that Portsmouth Dockyard might be destroyed by such guns—by batteries composed of them, and

throwing shells at eight or ten thousand yards' distance. As a preventive, they were advised to occupy the top of Portsdown Hill by a range of powerful forts ; and although the Government must see the impossibility of manning them, except by a great augmentation of the regular army, they, in a moment of infatuation, adopted this advice, and were doggedly pursuing it. As a consequence, the Hilsea lines should be discontinued ; for although a second line was sometimes desirable, it was scarcely required in this instance, seeing that Portsmouth was already enclosed with works of permanent construction, capable of standing a siege of several weeks. Two years ago a panic seized the country, as if a flock of sheep had been told the wolf was coming. They sent out shepherds, in the shape of Commissioners, to frighten away the wolf ; but they had only devoured the sheep. He hoped the Chancellor of the Exchequer would come with his pipe and crook, and put an end to this state of alarm. If he had the right hon. Gentleman's eloquence for one hour, he would undertake to show that the course taken by the Government was absurd, and that it would be a disgrace to the House of Commons to go on with it. They were told that the French were building iron ships. No doubt they were. They had their eyes open, while we had kept ours closed until they were opened by the right hon. Baronet the Member for Droitwich. Of course we ought always to have a fleet able to cope with the French. Why were the people of this country to crouch behind walls, when they had fleets to defend them ? What would be the policy of the noble Lord at the head of the Government if France threatened us and declared war ? Would he wait for the French fleet to come and attack us ? Would he not rather order the English fleet to bombard Cherbourg, Toulon, Brest, and L'Orient ? We should strike the first blow. Bombarding was a game two could play at, and England better than France. Our fleet would sail from our shores, and so sicken the French that they would not come near us. It was said that iron ships were vulnerable ; it might be difficult to make them otherwise for short ranges and close quarters, but what happened at the battle of Algiers ? Sir David Milne's ship the *Impregnable* had 280 shots in her hull on the starboard side, and yet he fought his ship to the end of the battle. Suppose it had been an iron ship,

Sir Frederic Smith

what would have been the effect? Why, in all probability, most of these effective shots would not have penetrated, and the loss in killed and wounded, which was enormous, would have been greatly reduced; but as it was, this vessel continued in action to the end of the battle. He believed, that when iron vessels passed rapidly before forts, the fire of the latter would not have any serious effect, or even indent the ship's sides, except when the shot hit directly and perpendicularly the part exposed, which would be a rare occurrence. He would recommend the Secretary of State to appoint an independent Commission to report what works were so advanced that it would be discreditable to stop them, and what works were so backward that it would be more economical to abandon them. If he would do that, the Government should receive his support; but, if not, he should vote with the hon. Member for Liskeard, because he wished the issue to be decided, what works, being useless, ought to be abandoned, and what works, being useful, ought to be completed. The right hon. Gentleman had said that Dover would be useful for the defence of London, by its having a garrison which might act on the rear of an invader marching from the coast; but he (Sir Frederic Smith) was confident, that if Lord Clyde were asked the question, he would say that he would infinitely prefer the presence of 6,000 or 7,000 men in the field to their being locked up in Dover. It was argued, that supposing an invading army landed at Folkestone or Deal, they would have the Dover garrison in their rear. But the men at Dover would not dare to follow; and if they did, a second invading force would probably occupy Dover, and make it a *tête du pont*. In any point of view these fortifications would be most pernicious, because they could not afford garrisons for their defence without depriving the country of the advantage of a strong army in the field; and the wisest course might be to blow up everything except the coast batteries and the old Castle, which might be spared for the sake of its antiquity. Woolwich was quite as important as Portsmouth or Plymouth, because the loss of Woolwich was, in fact, the loss of almost all the guns, rifles, and ammunition in store; and a very wise course was proposed—namely, to establish a dépôt at an inland spot. They had only one Woolwich, but they had many naval arsenals, and he could not

understand why Portsmouth and Plymouth should be so carefully considered, and why Woolwich should be left in its defenceless condition. It was stated, that although the fleet was constructed of iron, there would be always a great deal of combustible matter at Portsmouth. He knew that contractors occasionally applied for timber to complete their contracts. Those who knew nothing about official favours, and did not expect them, probably tendered at a higher price than those who were in the habit of making such requisitions; and therefore he deprecated the grant of timber to contractors, unless under very special circumstances, as it led to favouritism. In his opinion, it would be better to sell off at once to contractors a great part of the timber which was kept at Portsmouth, and which would become superfluous if their fleet was to be of iron; but, even if that were not done, there could be no more necessity for keeping the enormous stock of timber at Portsmouth than for keeping warlike stores at Woolwich. In the event of war, the information of the Government must be very defective if they did not know where the invading force might be expected; and with the aid of the telegraph they could collect a fleet together in a few hours. Such a force would be landed, if landed at all, at two or three different points; and if the regular troops were shut up in forts, the country would have to be defended principally by the Militia and the Volunteers. The Militia were *in nubibus*, and the Volunteers would, he feared, not be at the right spot at the right time, on account of the local character of those corps. Works of defence which were imperfectly manned were, as every soldier knew, a source of great weakness and peril, and it was an erroneous policy to keep down the navy for the sake of keeping up the army and fortifications. The right hon. Baronet stated that the House should sanction these works, as the circumstances which existed two years ago still continued. In that view, however, he did not agree. He believed that circumstances had materially altered, inasmuch as now they were likely to have a fleet superior to that of the French; and that being so, they were justified in suspending operations on those works which were not too far advanced. He referred particularly to Portsmouth. If hon. Members would go to Portsmouth, they would be appalled at the extent of

the works which had been commenced. He was afraid the works at Dover had progressed too far to permit of their being stopped. The discussion, however, would at least have this good result—it would prevent the buying of any more land in that quarter. One of the French Marshals had expressed his opinion, that if there had been some guns well served at Eupatoria, the English and French troops could not have landed under Marshal St. Arnaud and Lord Raglan. An invading force would not attempt a landing at Portsmouth or Plymouth. They would go to some distant points of the coast, and, according to the opinion which he had quoted, a few well-served guns would dispose of them. It was well known that iron of a certain thickness would resist shot, and there could be no difficulty in throwing up earthworks and facing them with plates of iron in a very short time. The defence was very simple. It might be made on the spur of the moment. It was available for any point of attack, and it would be extremely effective, from the assistance which would be cheerfully rendered by the Volunteers. He would recommend the noble Lord the Secretary to the Admiralty to read the pamphlet which Mr. Scott Russell had published. It was a work full of grave matter, it exposed great defects, and showed the way to remedy them. If the noble Lord would read that pamphlet, he would know more of the shortcomings of the Admiralty than he had ever known before. But he (Sir F. Smith) would say one word about the Spithead forts before concluding. The advocates of these forts had not discussed the question fairly or ingenuously. They had put it forward that the opponents had tried to lay it down as an invariable rule, that ships of war were more formidable for defending a passage or roadstead under all circumstances than stationary forts. Nothing of the kind had been urged or advanced. But the opponents unhesitatingly asserted that forts on the Spithead shoals would be too far apart to admit of the possibility, with any guns that had been manufactured up to the present moment, of barring the passage into the Solent, even in the day-time, to iron-clad vessels; and they added that all the evidence was against the possibility of closing the passage at night. They further asserted, without fear of contradiction, that if forts at Spithead should be passed, then beyond the limit of a thousand yards range they

would, with our present guns, be nearly useless in the defence of Spithead and the Solent; whereas movable shot-proof vessels, armed with guns of equal power with those proposed for the forts, would with the co-operation of the existing coast batteries, which were numerous and powerful, in all probability prevent an enemy's fleet from successfully bombarding the dockyard at Portsmouth, or even remaining in the Solent. The opponents in general, he (Sir F. Smith) among the number, also denied the possibility of stopping, by cannon, any considerable fleet of iron-clad ships under a daring Admiral, even with batteries at short ranges. Several vessels might, it is true, receive injury, but the bulk of the fleet would get past these works in fighting condition. It was a very different thing for such vessels to engage formidable and well-constructed shore batteries, either under sail or at anchor. In those cases the advantage ought to be with the batteries, from their being of a less destructible character and presenting a smaller target. Duels, as they may be termed, between forts and ships under circumstances equally favourable to both, it was not contended would end in a victory to the latter; but it was contended that stationary forts at Spithead would never stop iron fleets under steam passing from the eastward into the Solent with the tide in their favour.

MR. H. A. BRUCE said, he thoroughly agreed with the right hon. Gentleman the Secretary for War when he remarked that it was first their duty to obtain the best information and then to act upon it. He did not deny that at one time there was a very absurd fear with respect to invasion, but the absence of all fear was still more absurd. The Government had taken measures to obtain the best advice; they had appointed a Commission composed of men of science and military experience, and when the report of that Commission was presented to the House, it was accepted after much discussion. On a division only some thirty-nine members could be found to vote against the plan recommended by the Commission, and when two other divisions were subsequently taken, the number of those opposed to it did not exceed forty. It would be no better than vacillation, therefore, if they were now to reject the plan at the bidding of those who, from the first, were opposed to it. Many hon. Members, perhaps, were not aware of the care taken by the Government in the preparation of

their plans, but he had taken some trouble to inquire into the matter. The Commission recommended certain broad plans, and it was for the departments to look to the details. When the drawings and details were prepared, they were considered first by the Fortification Committee, which was composed of several men of great military and engineering skill, and then by the Defence Committee, composed of functionaries of the Horse Guards and persons appointed by the Admiralty—all men of admitted competency. Conferences were then held between the two Committees, and a Report upon the plan, signed by the Commander in Chief, was forwarded to the Secretary for War. No person, therefore, could say that any plan submitted by Government to the House had not received the consideration of competent persons. The hon. Member for Liskeard (Mr. B. Osborne) had quoted the authority of Mr. Bidder; but was the House, after it had gone to military engineers of the highest authority, to take the opinion of the first civil engineer who offered one—especially as he understood that the opinion of Mr. Bidder was offered in a way that did not entitle it to great weight? They had been told that this country should rely upon her navy, and that the proper way to carry on a defensive war was to carry it from home and strike the enemy abroad; and, in fact, to convert it to a war of offence. In both those opinions he concurred. But the question was, whether they ought not to provide an inner line of defence. He would undertake to say, that if any person examined the history of the last two centuries, he would find that not once or twice, but many times, we had not that command of the Channel which was said to be essential to the defence of the country. He would recall what was the position of the country in 1805, at the beginning of the Revolutionary war. They commenced by destroying the French fleet at Toulon. In a succession of actions at sea they overcame the French, destroying many of their ships; and yet in 1805 the French were within an ace of having fifty ships riding in the Channel, to which they had only twenty-two to oppose. If, at that time, when Nelson was hunting for the French fleet in the West Indies, it had been well and efficiently commanded, the aspiration of Napoleon for the command of the Channel for twenty-four hours would probably have been realized, and the result might have been that 150,000 veteran

troops would have landed in this country. He did not think they would have returned. Still, their presence in this country would have been productive of inconvenience. Then, were they certain of retaining their naval superiority in future wars? He rejected all allusions to the actual condition of neighbouring nations. What he wished was, to put the country in a state of permanent defence, and on that point he submitted his judgment to the judgment of competent men, while prepared, of course, to reject anything manifestly wrong and absurd. He did not accuse the Government of vacillation in suspending the construction of the forts at Spithead. Their object was to keep vessels at a distance, and so prevent them from bombarding Portsmouth, and it was, possibly, yet uncertain what was the extreme distance at which cannon would penetrate iron-sided vessels. With respect to the other works on land, however, he saw no reason why any suspension should take place. No person questioned, he believed, that such works would add to the strength of the defence of the country. Then, having constructed such works, how, it was asked, were we to garrison them? The right hon. Baronet opposite (Sir George Lewis) had quoted the opinion of Napoleon that they could be advantageously garrisoned by the Militia and Volunteers. And there were on record instances of successful defences by non-military men against regular attacks. For instance, Gerona, Kars, and, the other day, in Mexico. But all must admit that they could not leave Portsmouth and Plymouth unprotected; and if there were no forts for the purpose, there must be a large force of disciplined men capable of manoeuvring in the field. The hon. and gallant General, speaking of the Volunteers in flattering terms generally, said that they would be inefficient for the particular duty of manning these works, and would withdraw from it. If, however, war broke out, the Volunteers must go where they were ordered, and would not be able to withdraw. But there would be no question of withdrawing, for he would undertake to say that on the first suspicion of war the Volunteer force might easily be increased four times over. At present they had 20,000 artillery Volunteers capable of handling guns, not capable of taking the field, but able to manage guns in garrison. Many of the Volunteers were, no doubt, capable of taking the field, but all would be able to man forts, and,

after at least a few days' training, of managing guns. In 1805, the population of England was about one-half of its present number, and, independently of the Militia, the Volunteers numbered over 300,000. Well, then, as the population had doubled, and the national spirit had certainly not declined, and he believed the heart of the country sounder now even than it was at that time, there could be no question that the Volunteers would be adequate to any emergency. He thought the Government had been wise in their selection of their measures for the defence of the country ; he thought them wiser still in adhering to that selection. As to Dover, it had been asked, why defend it ? His answer was, it was the port nearest to France, and that if we did not fortify it, France would. In case of invasion, and being garrisoned by France, it would be the *point d'armée*, whence the invading troops could receive supplies on their march to London. It had been said that a garrison of 6,000 men could do little against an invading army of 100,000 on their march to London. And that was true ; but 6,000 could do much in opposing a landing. Then as to Portsmouth, there could be no practical difficulty, whether 15,000 men were required or 30,000. Supposing Portsmouth to be undefended, it had been asked would an invading army turn out of its way to London to attack Portsmouth ? Undoubtedly an army landed at Dover would not ; but supposing the invaders to land at Christchurch, what would prevent them from taking Portsmouth in the way to London ? Why, one of their very first acts of policy would be to deprive our navy of their naval arsenal. As, then, invasion, though by no means probable, was shown by history to be perfectly possible—and there was nothing in the future that would make us more secure than we had been in the past—considering our enormous increase in wealth, and our position in the world as almost the only free people in Europe—it was our special duty to take every precaution which the expenditure of £7,000,000, a trifl in comparison with the wealth of the country, would give us to make adequate protection of our coast against invasion.

MR. DIGBY SEYMOUR said, he wished to ask, as the forts at Spithead were not to be proceeded with, what proportion of the £1,200,000 would not be required ? He entirely agreed with the observations of the hon. Member for Lis-

keard, that the evidence received by the Defence Commissioners tended to a directly different conclusion to that arrived at by the Commissioners. If hon. Members would read the opinion of Captain Sherrard Osborne, they would see that it would be very difficult to hit a ship from any of these forts. It appeared to him that there were a great number of objections to the engineering part of the scheme ; and looking to the expense, the Committee ought to pause before acceding to it. On the other hand, he thought the scheme of Mr. Brooks with regard to a mole at the entrance to Langstone Harbour, would have had a most beneficial effect on the neighbouring defences at Spithead and Portsmouth ; and he wanted to know by what right or principle of justice that gentleman had been denied the privilege of giving the evidence which he tendered ? Captain Jervis, in a letter to Colonel Brooks, said that he had never expressed an opinion adverse to his plan, yet no opportunity had been afforded of obtaining the evidence of this gentleman. Major McCrae had given his opinion in favour of works higher up the river, and he (Mr. D. Seymour) trusted the Committee would agree with him, that if we were to have protection for the merchant convoys, it would be cheaper in the end that protective works should be constructed somewhere near Calshot Castle, or higher up the estuary near the entrance to Southampton Water. He wished to ask the right hon. Gentleman what was the amount of expense saved to the country by the withdrawal of the scheme respecting the Spithead forts ?

SIR GEORGE LEWIS said, that in reply to the questions which had been put to him, he had to state first, that the plan of the Government had not been altered since he had given notice of the Resolution ; and secondly, that the amount which would be taken for each harbour, including Portsmouth, would be found in a schedule to the Act ; and the sum taken for the Spithead forts was included in that list.

MR. H. H. VIVIAN said, his opinion was adverse to that view, which some persons considered to be economy, but which he thought a penny-wise and pound-foolish policy. He thought his hon. Friend the Member for Liskeard had been guilty of an omission in his entertaining speech —namely, that although he found great fault with the Government scheme, he proposed no plan of his own instead. If

he had come down with a well-matured scheme, the House could have compared his proposition with that of the Government. As it was, however, there was no means of entering into a comparison of rival schemes and coming to a decision on their respective merits. Again, the terms of the Amendment were inconsistent with the principle which the hon. Member who proposed it wished the House to adopt. The hon. Member stated that the navy ought to be the chief defence of the country, and yet would leave the great naval arsenals exposed to the dangers of a sudden descent of a hostile force. That was very much as if a gentleman having gone to great expense in storing his garden with rare fruits and flowers were to object to the expense of building a wall to protect them from robbery. The power of concentrating a force upon a given point, now existed to an extent considerably greater than in former times; and the necessity for increased means of defence had become proportionately greater. To make these means of defence consist altogether of ships, would, in his opinion, be to adopt a course at once more expensive and less efficient than if forts were to be constructed where required. Forts were stationary, and would be always on the spot in the case of need, while they would not, like ships, require to be renewed after the expiration of a few years. Upon these grounds he regretted that the Government had given way on the question of forts, and he trusted that they merely intended to defer the completion of the Spithead forts till next year. No doubt they were now in the infancy of gunnery, and the Armstrong guns had not hitherto penetrated iron plates; but it should be remembered that more than two years ago Mr. Whitworth, with his flat-fronted shot, fired from a  $5\frac{1}{2}$  inch cast-iron gun, pierced the sides of the *Trusty* at 200 yards. Recent experiments had shown that Mr. Whitworth's 12-pounder gun had attained a higher initial velocity than the old 68-pounder; he was told that an initial velocity of 2,200 feet a second had been attained within the last week by a rifled gun on Mr. Whitworth's principle; and Mr. Whitworth had not the slightest doubt that with his 7-inch gun he could pierce the sides of the *Warrior* target at 600 yards. He hoped that these results would induce the Government boldly to face the outcry raised against the Spithead forts. The objec-

tion taken to them was that there was a distance of 2,000 yards between the two forts, and that at a range of 1,000 yards they could not penetrate the sides of an iron-plated vessel. But the simple remedy for this was to put a fort between the two. [Ironical cheers.] Hon. Gentlemen might cheer, but there was only sixteen fathoms' depth of water between the forts, and a fort could surely be placed in that depth. In fact, any cost was to be endured which tended to the preservation of the navy. As to the manning of these fortifications, he did not apprehend the slightest difficulty. Suppose 95,000 men were required to man them, that was scarcely half the Volunteer force, and besides this they had a Militia numbering 70,000 or 80,000 men; so that there would still be a large balance available for service in the field. He thanked the noble Lord at the head of the Government for the pledge which he had given last year on the subject of the Whitworth rifle. The noble Lord then stated that it should be the duty of the Government to go fully into the question, and he had amply redeemed this pledge. A thousand rifles were now being made, a battery of field guns had been ordered, and Mr. Whitworth had been allowed to rifle a 70-pounder gun. He believed that the safety of the country very much depended on the adoption of the Whitworth gun. In his opinion, the Armstrong breech-loader was too delicate a weapon to stand the rough-and-tumble work of actual warfare. The delicate screw upon which it depended might be very soon injured and clogged, and, as it could not be used as a muzzle-loader, the gun then became absolutely useless. Mr. Whitworth's gun, on the other hand, was of plain and simple construction, and it might be used both as a muzzle and a breech-loader.

SIR STAFFORD NORTHCOTE said, there was one lesson which the Committee might draw with much profit from the course of this discussion—a lesson derived not so much from conflicting opinions about the comparative value of forts and ships, or the comparative power of guns, but from the position in which they found themselves, and which would show the mode in which they ought to proceed in dealing with large questions of expenditure. They were in a position to see the inconvenience of the course taken in 1860. He referred not so much to the subject

matter of the Vote as the manner in which it was proposed to raise the funds required to meet the expenditure. There was a good deal to be said both for and against fortifications, but what he wished to direct the attention of the Committee to was the enormous inconvenience and danger of dealing with the expense by way of a Loan Bill. There were two disadvantages connected with the course taken in 1860, which they were that night asked to repeat. They were asked to provide for a large expenditure by something in the nature of a Vote of Credit, and then in a Committee of Ways and Means to provide the necessary funds by a loan. In ordinary cases, when the House was asked to vote public money, there was an estimate of expenditure prepared—hon. Members could discuss the details with a knowledge that the Government had thought it their duty to ask the House to vote the Ways and Means by an addition to the taxation of the country. In that case every hon. Member felt that he was responsible to his constituents, and he could examine each detail, could require explanations, and, if not satisfied, could move the omission of any item. But that was not the position in which the Committee were now placed. First, as to the pressure under which they were acting. No one could fail to see that there was a great deal of laxity in the minds of many of the persons who were responsible for proposing or supporting this Vote. There was laxity in the minds of the Government, of the Commissioners, and of the witnesses who had been examined by them, whose evidence resulted in the opinion, that the matter being doubtful, it was best to spend the money, and not call upon the present generation to pay it. Now, without any reference to the advantages or disadvantages of the expenditure, he thought that was not a position in which they ought to be placed. If they were satisfied that the expenditure ought to be incurred, let them prepare to meet it themselves; but if they had doubts, let them not be content to thrust a burden upon posterity. The laxity of feeling to which he referred was evident in every page and every line of the Commissioners' Reports. They began in 1860 with a strong opinion in favour of forts, and treated floating batteries as a small matter. Now, however, they said, "by all means let us have floating batteries as the most necessary things, but you will still find forts useful to support the float-

ing batteries." The evidence showed that the witnesses mostly agreed, that if it were a simple question between forts and floating batteries, they would prefer the latter; but they added, that as Parliament would not vote more than a certain sum for floating batteries, and as Government would not be justified in asking Parliament to sanction a loan for comparatively perishable means of defence, the proper course to pursue was to spend the money voted by Parliament in floating batteries, and further to spend money upon forts, which money could be raised by a loan. There were some remarkable passages in the evidence of some of the witnesses. He would call attention, by way of illustration, to a question put by one of the Commissioners as showing the *animus* which influenced their actions in the matter. Question 101 was one put by Colonel Lefroy to the hon. and gallant Member for Wakefield (Sir J. Hay), which showed the *animus* of the Commissioners. The hon. Baronet the Member for Wakefield was asked—

"Looking back to the naval preparation of this country at different periods since 1840, and the very great difference which has prevailed, owing to the prevalence of different economical views at different times, are not forts, when once built and paid for, a truly permanent defence, a safer reliance than floating defences, which are perishable, and which you may not be able to renew when they are wanted?"

The answer was—

"I acknowledge the full weight of the argument contained in that question."

The argument was, that having an opportunity of getting from Parliament, by means of a charge upon posterity certain defences which they might not require, they should be constructed, and leave posterity to pay for them, whether willing or not. The present Parliament was to make a present to posterity; but if posterity should have a so-called economical fit, or differ in opinion from the present Parliament, they must, nevertheless, be fixed with the burden of payment. When it was said that the thing would be done once and for all, that was begging the question. It was begging the question to say that floating batteries were a kind of defence that would be expensive in times to come, while forts would only cost money once and for all. It was by no means clear that the expense for forts would be so limited. There were many questions to be decided. There was the important question of the garrisons. To be of use the forts must be garrisoned, and that was

a matter of expense. An hon. Member had talked about turning the key upon the forts. [Mr. H. H. VIVIAN: Not in time of war.] If the forts were left un-garrisoned in time of peace, it would be necessary, when war occurred, suddenly to increase our army, and to provide trained men to occupy the forts and to prevent the enemy from occupying them. If the forts were erected upon the proposed scale, a burden would be entailed upon posterity from which it could not escape; and if it should turn out from the progress of science that the forts were of little or no use, posterity would still be called upon to pay for them, as well as to provide the means of building ships, as if no forts were in existence. He therefore objected to a Vote of Credit, to be afterwards supported by a Loan Bill. There was no opportunity of challenging details. They felt, then, the difficulty in which they were placed by the course the Government had pursued. The right hon. Gentleman the Secretary for War had placed upon the paper a very large Resolution, and the hon. Member for Liskeard had challenged that Resolution. Discussions upon former occasions had proved that one main subject of consideration would be the question of the Spithead forts. Hon. Members had consequently been engaged in informing their minds upon that subject, but, at the last moment, the Government announced that they had withdrawn that important part of their scheme. The consideration which had been given to that subject was therefore thrown away, and they were then invited to consider the scheme divested of a principal feature in the original plan. The question then arose, what should they do under the circumstances? If the matter had come before the House upon the regular Estimates, it would have been open to one Member to challenge the Spithead forts, for another to attack the Plymouth defences, or other items in the plan, and to take the opinion of the House upon those particular points. But now they must either negative the scheme as a whole or—as far as this stage of the proceedings was concerned—they must accept it as a whole. If, as he believed, a majority of the House thought that a considerable part of the scheme was bad, they would be inclined, had the subject come before them for the first time, to reject the whole scheme. But considering what had taken place, the large majority which originally sanctioned the

scheme in 1860, the amount of contracts entered into, many hon. Members might not feel themselves prepared to reject the whole scheme, notwithstanding their objections to some parts, if they thought that by so doing they would prevent the completion of that work which had been already far advanced. He did not hesitate to say, that if the scheme had been presented by the Government in its entirety, and the Committee had been called upon to vote the Spithead forts and the central arsenal, he should have thought the objectionable parts preponderated over the unobjectionable in the plan, and therefore he would have voted with the hon. Member for Liskeard, and rejected the whole scheme. But as the Spithead forts were given up, and the central arsenal postponed *sine die*, the question was, what should be done with the residue of the scheme? The real difficulty was, that they did not know what the effect of their vote would be. If they negatived the Resolution, who could say whether a considerable amount of work which had already been commenced, and which might be completed and made useful for a comparatively small sum, would be sacrificed or not? The right hon. Member for Limerick (Mr. Monsell) had moved for information to guide them in the matter, but the Return did not contain details that they could act upon. They did not know how far the contract extended—how far the estimated cost was beyond the contract, or what it included. They were therefore really acting very much in the dark in this matter. The only information they had to guide them was the information given by the Secretary for War at the commencement of the discussion. It appeared from the statement of the right hon. Gentleman that they had entered into contracts to the amount of something like £3,300,000. The House had already employed the Government to raise £2,000,000, and now they were asked to vote £1,200,000. Those two sums together would amount to very nearly £3,300,000, which they were told was the amount of the contracts; and it was not impossible, that if they knew what the contracts were, they would not hesitate to give to the Government the sum now asked for. What he complained of was that the money was taken in the way of a Vote of Credit; and that if they gave this £1,200,000, they had no security that it would be applied to the completion

of the works now in progress. In that case, indeed, the Government would be able to commit them to some entirely new expenditure, undertaking works which were on paper only, and for which, up to that time, no contract existed. He objected altogether to that mode of doing business, which was to his mind contrary to the fundamental principles upon which Parliament ought to act. Without some further explanation from the Government as to what they wanted the money for, he was not prepared to say what course he should pursue. His vote would depend upon the precision of the information he should receive as to the exact purposes to which the money was to be applied; and also upon the question whether Ministers were ready to give a pledge that they would not apply the money to any new works without coming to Parliament, as in the case of the Spithead forts, and giving full information on the subject. As a matter of principle, they ought to do all they could to bear their own burdens, without throwing any of them upon posterity, and it was the consciousness that they should and must do so which made them rigidly examine into the necessity for any proposed expenditure. On the present occasion Parliament and the country were too much in the hands, first of professional men, but, above all, of the Government. When the Government asked the House to incur a large expenditure which they were prepared to defend as necessary for important national purposes, and when they evinced their earnestness and sincerity by taking upon themselves the unpopular task of proposing an increase of taxation to meet it, then everybody knew that, whether right or wrong, they were at any rate firmly persuaded that the expenditure was proper and necessary; but in the matter now under consideration, where resort was had to the fatally facile mode of raising money by way of loan, they had no such security for the sincerity and earnestness of the Government. Two years ago the Government pressed upon the House in the most energetic manner that it was absolutely necessary that they should incur a large expenditure for national defences, including among them certain forts at Spithead. In two years, however, all was changed, and they found the Government faltering and altering their opinion. The Spithead forts were no longer necessary. Again, not long ago they were told that the forts would be of a permanent character, and

that the expenditure, once incurred, would not have to be renewed. Supposing the forts had been built straight off in 1860, what would have been their position in 1862. They would have had a number of granite forts; but, as it happened, every one had arrived at the conclusion that granite forts could never be so useful as iron ones, and therefore Government would probably have asked the House to spend a further sum of money in building iron forts behind the granite forts. He was satisfied, on the other hand, that if the Government in the first instance had been obliged to raise the money by taxation, they would have thought twice upon the matter. It was far from his intention to say that they might not have thought it necessary to ask for some money for forts, but in that case they would have proceeded with great care, confining themselves to what was strictly necessary. Very probably they would have ascertained, in the first place, whether there was not some less important branch of expenditure which might be cut down, so as to avoid the necessity of proposing an increase of taxation in the shape, perhaps, of an addition to the income tax, and it was not impossible that they might have succeeded in finding such a means of meeting the emergency. Such was the kind of pressure which he wanted to see brought to bear upon the Government. He wished to force them into this position—that they should not ask the House to vote money for purposes which they were not prepared to provide for out of the Ways and Means for the year. In considering any vote which the Government might propose, the House ought to be compelled to act with the same sense of responsibility which they would feel if they were asked to provide the money by an addition to the income tax. One piece of information which the Government were bound to give, either then or at some future time, was a statement of the reasons which induced them to think, that while the Spithead forts were doubtful, the Plymouth defences were not doubtful. If they were right in believing that the Spithead forts might be superseded by some new application of floating batteries, or some new discovery in ordnance, why could the same thing not be said of the Plymouth defences? There were some principles with respect to the defences of the country which were not altogether beyond the comprehension even of gentlemen who had not the advantage

of professional studies and experience. In 1860 the late Lord Herbert laid down the following two points—first, that they ought to make the navy the first defence of the country ; and secondly, that if by any chance an enemy should give the slip to the fleet and land an army on their shores, they ought to have as large a disengaged force as possible to meet him in the field. If they were to depend on the navy, they must defend their dockyards and arsenals, which were the nurseries of that navy ; and Lord Herbert recommended forts for that purpose. It was one of the most important objects they could have in view to provide properly for the defence of the dockyards and arsenals ; but the question returned, how was that best to be done ? —by fixed fortifications, which were here and nowhere else, or by floating defences, which were here or anywhere else ? The proposition was that they would have to deal, not with a naval force superior to their own, and capable of sweeping the Channel, but with one inferior, and yet somehow contriving to slip past our fleets. It was argued that such a force, being composed of iron-plated ships, might come near enough to destroy the great nurseries of our navy, and yet not near enough for our forts to contend successfully with them. Now, whatever view they took of that matter, he wanted to know why what was true in regard to Spithead was not also true with regard to Plymouth. And if they really did not know what was truth—if they were uncertain, then why did they not pause altogether ? He felt convinced, if they were proceeding as they ought, providing by present taxation for whatever works they considered necessary, the same reasons which applied to Spithead would induce them to pause in reference to Plymouth likewise ; and the only reason which induced them to go on was that they were throwing on posterity a burden which they ought not to impose. He was sorry to say there was growing up in the House, and he feared also in the country, considerable laxity with regard to financial affairs. They were careless about deficits, and loose in regard to some matters which, some years ago, were considered very serious ; but he hoped the time would never come when they would incur expenditure, of the necessity of which they did not feel very certain, because they could throw its burden on posterity by raising it in the shape of loan.

MR. BENTINCK observed that the

debate afforded a remarkable instance of the practice which so commonly prevailed in this House, of taking votes upon issues different from those which were ostensibly raised. Speaking in the abstract, he had expressed a very decided opinion upon this question on a former occasion ; and he remained of the same opinion still, that they could not defend Spithead with forts and without ships ; but he was prepared to contend that they could defend it with ships and without forts. Since the commencement of the debate, however, the subject had assumed entirely a different aspect. He felt bound to say that there was very much force in what fell from the right hon. Secretary for War when he urged, with great truth, the advanced state of the land defences, and told them that the cost of putting a stop to the works would be almost as great as the cost of completing them. At the same time he told them frankly that further outlay in respect to Spithead should be postponed. That was a great point gained, and materially altered his view of the Vote to be now taken. The right hon. Gentleman stated correctly the history of the Vote, with reference to which the House was more responsible than the Government. The hon. and gallant Member for Liskeard had embarked in a very dangerous argument when he contended that forts were useless because we should always have the command of the Channel. For his part, he (Mr. Bentinck) could not shut his eyes to the possibility there might always be—at least, until our navy was put upon a very different footing—of our losing for a short time our naval superiority on our coasts ; and the argument of the hon. Gentleman, therefore, did not seem so conclusive in his eyes. The hon. Gentleman wound up his speech in a very different tone from that in which he commenced it. He spoke in favour of peace, retrenchment, and reform—peace almost at any price, and retrenchment when he could get it. He (Mr. Bentinck) had no objection to peace and retrenchment ; but, as to reform, he agreed with the hon. Gentleman that it was hardly worth while to discuss it. One part of the hon. and gallant Member's speech savoured of a proposal to bring about one of those political coalitions which were neither creditable to those who concocted them nor had they been successful for those by whom they had been concocted. He (Mr. Bentinck) would appeal to the Secretary of State for War whether there

was anything to justify him in treating the fort in Plymouth Sound, which was so generally condemned, in a different manner from the forts at Spithead. When the Motion for discontinuing the erection of these forts was brought forward some weeks ago, he himself moved an Amendment authorizing the Government to apply the money previously voted for the fortifications in the construction of iron ships. That Amendment received the support of the Treasury bench, and was carried in the House by a large majority. He must, therefore, ask the noble Lord at the head of the Government whether he meant that vote to remain a dead letter. The country must rely mainly on its navy for its defence. The noble Lord had passed through difficult times. His troubles had been created as much by his own friends as by his foes ; he had to deal with troublesome colleagues, and with a troublesome party ; and he knew what it was to be in straitened political circumstances. But nothing could so much tend to add to his difficulties, or to damage his position, as a belief in the public mind that he would not be prepared at all times to maintain, in the highest efficiency, the maritime defences of the country.

SIR MORTON PETO said, he wished to say a few words, although he felt, in common with every other hon. Member, that the Government had, to a certain extent, met the question before the House by the concession it had made in respect to the Spithead forts. At any rate, they had deprived hon. Gentlemen of the opportunity of delivering the speeches they had intended to make. He did not for a moment pretend to impeach the judgment of the Defence Commission on the score of integrity, but he thought the Government ought to abrogate the present constitution of that Commission, and re-establish it on a different basis. If they chose as Commissioners professional men only, whose thoughts had run in one groove all their lives, it would be easy to tell beforehand what their Report would be. When Sir R. Peel consulted Sir Howard Douglas on the subject of armaments, that officer gave an opinion which had cost the country millions of money ; for he advised a continuance in the building of wooden ships, although the construction of iron vessels had then actually commenced. If the one third of the Commissioners consisted of civilians of administrative experience and ability, another third of officers skilled

in artillery practice, and the remaining third of naval men, their united decision would command the confidence of the House and the country. But the Defence Commission had presented three distinct Reports in succession, neither of which could be taken by the Government as final or satisfactory, and which were all discordant in their nature. Under these circumstances, how could the Government continue to seek support and advice from these gentlemen alone ? He had no desire to discontinue the Defence Commission, but he desired to see associated with its members men who, like his hon. and gallant Friends the Members for Chatham and Wakefield, when they changed their minds, admitted that they had done so, and gave the reasons which had led to that change. He could not admit that the House would be at all stultified by adopting a Resolution on this subject different from that at which they had previously arrived ; on the contrary, he thought that if they had done wrong, they would do themselves honour by retracing their steps. If the Defence Commissioners had shown themselves open to the consideration of all the great changes which had taken place since the establishment of the Commission itself, and had had regard to the lessons of passing events, they would have done themselves more honour, and they would have saved the House the debate of that night, and the Government the necessity of acknowledging a change in their minds. The defences of Portsmouth alone involved an expenditure of £3,000,000 of money. It was said that it would cost as much if the works were stopped as if they were prosecuted ; but he found by reference to a Return which was moved for by the hon. Member for Limerick, that only 10 per cent of the money voted had been expended ; and with regard to the works on Portsdown Hill, very little had yet been done beyond the earthworks, which a few weeks' work would serve to fill up. Sir William Armstrong, in his evidence, which was given in a perfectly fair, candid, and independent spirit, said that at the present moment the 300-pounder had done no more than penetrate the *Warrior* target at two hundred yards, and that distance must therefore be taken as the extent of the range upon which they might depend. It was shown by the hon. Gentleman the Member for Liskeard, that the target penetrated at two hundred yards was not struck in such a manner as would render a vessel

unseaworthy ; and there was no doubt that every fort which had been constructed up to the present time, was useless at a greater range than two hundred yards. Sir William Armstrong, it was true, had indicated that a larger gun might be formed ; but a most eminent artillery officer, Lieutenant Colonel Boxer, who had given, in his pamphlet, data about which there could be no question, showed that even the 22-ton gun would not do what the Commissioners imagined, because the basis of every one of the calculations exhibited an error which one would have thought the merest tyro would have detected. Some hon. Gentlemen had spoken that night of fortifications as preferable to any other mode of defence, because they had a permanent and fixed value ; but if they could only be depended upon at a range of two hundred yards, they would prove a source of weakness instead of strength. Others preferred fortifications, because they could carry heavier guns than ships ; but the question was not what weight of gun the fortifications would carry, but what guns they would carry so as to be effective at the range at which they could be useful. So far as he could learn or judge for himself, there would be no difficulty in constructing a cupola ship to carry the largest gun yet known, and to fix it and work it with as much ease as in a fort ; and the ship which carried the cupola would have the advantage over the fort, that it would be able to move about, and choose its situation, which the fort could not. Lieutenant-Colonel Boxer made use of some remarkable words. He said—

"The altered condition in relation to the protection of ships had practically rendered the great majority of permanent works now in existence, and now in process of erection, comparatively valueless."

If that were so, he (Sir Morton Peto) would ask the Government if that were not a reason for a mixed Commission ? He was sure it was a reason for delay. The opinion of Mr. Bidder had been referred to, as having been given unsolicited. The fact was, however, that Mr. Bidder was at that time the President of the Institute of Civil Engineers, and he was called in and paid by the Commission for his opinion. No one who knew Mr. Bidder would think that he would obtrude an opinion unasked. And what did he say ? He said that the Spithead forts, as designed by the Commission, were absolutely indefensible against ordinary gun-

boats. And more than that. He said a great part of the defences in course of execution by the Defence Commission were designed by persons who appeared to be utterly regardless of the power and accuracy of modern artillery, and that those works were utterly useless for defensive purposes. Surely this opinion, and that of Lieutenant-Colonel Boxer together, furnished sufficient ground for demanding a more complete inquiry. The Defence Commission was unworthy of the confidence of the House, because they had shown themselves to be incapable of grappling with all the difficulties of the question. The defence of this country depended upon the best application of mechanical force, and the determination of that application required the bringing together of various minds all directed to practical subjects, and each bringing his quota of practical information. Within the past fourteen years, the question had assumed altogether a new character. During that time, the electric telegraph had been brought into use, and instantaneous communication could be had, not only with all parts of the country, but with almost all parts of the world. There were other scientific improvements also to be taken into account, and they required a grasp of mind and a knowledge of science which the Government had not shown in dealing with the question. With regard to the central arsenal, he was not prepared to say whether it was a right thing to be done, but it was a grave question, and one that ought to receive the consideration of a Commission having the confidence of the Government, of the House, and of the country. He could not but feel that a great deal of what they were called on to consider lay at the door of the First Minister. This great question had been introduced in a manner by which there was not the same opportunity for discussion which would have been given if the Vote were taken under ordinary circumstances. The question, instead of being dealt with in a calm judicial spirit, had been brought forward hurriedly, and with a great deal of excitement. Nothing had given him so much pain, after being an earnest supporter of the noble Lord's for fourteen years, as being compelled to differ from him on this question. Few were as well acquainted as he was with what was going on in the neighbouring country, and he would ask the noble Premier whether more could have been done in France to show friendship and kindly feeling towards this

country than had been done during the last four or five years? Nobody knew better than did the noble Lord the facilities which were afforded to their naval attaché—or, in plain language, naval spy—at the Court of France; every dockyard was open to him, and every information was placed before him by the French Minister. Instances of the friendly feeling of the Emperor of the French had been cited that evening, but he believed many others, such as the abolition of passports, might be added to the list. He had been brought into contact with the middle classes of that country, and knew the favourable sentiments by which they were animated towards this country. The national defences ought to be adequately maintained, but no reason existed for asking, at the fag-end of the Session, and under circumstances of great excitement, for so large a sum of money. The particular Vote was protested against by at least a large minority; but if the statement of facts which had been put forward should lead to the rejection of the proposal, it by no means implied a want of confidence in the general conduct of Parliamentary business. If the noble Lord would pledge himself to reorganize the Commission, and to place upon it men in whom the public had confidence, he would recommend his hon. Friend not to divide. Without any reflection on the Defence Commission, he must say, that these past Reports were not such as to entitle them to the confidence of the House or of the country. Let them take the pledge which had been given respecting the Spithead forts as an earnest of good intentions with regard to the future. A short time since, in the leading journal, a letter appeared which he presumed must in some degree have had the authority of Government, as on the same day the journal said—“At last we know the intentions of the Admiralty.” To all who read it, that letter conveyed the impression that it was intended to construct vessels partly of wood and partly of iron, the two most prominent reasons for that course being—first, to use up the large amount of wood which the Government had in store; secondly, to provide employment for the shipwrights and other persons connected with the various dockyards. For his own part, he should be delighted to vote a handsome retiring pension to every person in the Admiralty not required for the fleet of the future. But the construction of the fleet ought not to be affected by such con-

siderations. The question to be determined was, whether they were now to build vessels which would last sixty or seventy years, requiring an occasional coat of paint, or whether they would have to reconstruct the navy every six or seven years. The hon. Member for Sunderland (Mr. Lindsay) had stated that he was parting with all his wooden ships and buying iron ones, which would last him his life and the lives of those who succeeded him. The noble Lord the Secretary to the Admiralty talked of the difficulties connected with the fouling of ships' bottoms; but if he would consult practical men, he would find that there was no difficulty in placing under the iron ship a wooden bottom, which could be removed at any time and at a trifling expense, over which the vessel might be coppered, so that she could go to any part of the world.

SIR JOHN WALSH said, the hon. Gentleman who had just sat down seemed to think that there was much virtue in the old maxim of a multitude of counsellors producing wisdom. Treble the Commission; place on that Commission a great proportion of civilians, not particularly acquainted with military matters, and the result would be a most improved Report. The question was, no doubt, both difficult and complicated, but he doubted whether the specific of the hon. Gentleman would lead to a satisfactory conclusion. Both the hon. Gentleman who had introduced this discussion, and the hon. Baronet who had just sat down, had adopted a line of argument which he (Sir John Walsh) considered was based on fallacious grounds. They had endeavoured to show that there was no occasion for what was proposed by the Government, because there was no possible ground for apprehending any concealed hostility towards this country on the part of the Emperor of the French. They assumed, that because there was no manifestation of enmity towards us on the part of that sovereign, all our preparations were unnecessary, and that we had better relinquish altogether our expensive armaments. If that was not what they said, at all events it was the immediate and palpable conclusion which must be drawn from their arguments. Now, he admitted all those two hon. Gentlemen said of the Emperor of Napoleon. He fully believed that His Imperial Majesty entertained friendly feelings towards this country; but he did not put the defence of England on so narrow a ground. He did not put it on the mere life of a man;

he did not put it on the feeling, friendly or hostile, of a particular nation. He said that a country so great as England—whose relations extended all over the world—ought to be in a state of preparation, and ought to be in a state to defend herself against any assailant that might arise. He would venture to call the attention of the Committee to the last two occasions on which England was placed on her defence—namely, on the occasion of the mutiny in India, and the affair of the *Trent*. In both these cases a sudden call was made on her military and naval resources. In the one case they overcame by the military preparations they made a formidable rebellion, and in the other they were prepared to assume that firm and dignified action which saved the honour of their flag, and preserved the country from a dangerous and fatal war. France, on both those occasions, was exceedingly friendly, and heartily sympathized with this country. He thought that the imputations which had been cast upon the Government and the House with regard to vacillations were unjust and beside the question. The fact was, that the whole subject of military and naval armaments was in a state of transition. That, perhaps, was one of the disadvantages of living in an age of progress. He thought it was quite wise in the Government to postpone the Spithead forts, and he regretted that they had not also postponed the Plymouth forts. He considered that they were quite right in going on with the fortifications, and he believed that in the case of invasion there would be no difficulty in manning them. The national spirit would provide for that. The arguments, therefore, that larger garrisons would be necessary for manning the forts fell to the ground. He should certainly give his vote in favour of the proposition of the Government.

MR. MONSELL said, he regretted that no Member of the Government had risen to answer the objections of the hon. Member for Stamford (Sir S. Northcote). There were, he held, three questions of detail involved in the Resolution with regard to Dover, sea fortifications, and land defences, which were most inconveniently combined, and ought to be considered *seriatim*. As to the Dover fortifications, he thought they had no friends. Their warmest supporters allowed, that if they had not been begun already, no one

would ever think of beginning them now; but they said that, unhappily, as they were commenced, it would be inconvenient to leave them in their present incomplete state. Well, he thought that any small sum of money which was required to complete any portion of the work which had been absolutely begun might be brought forward in the Estimates for the next year, and there was no necessity for including Dover in the proposal of the Government. With respect to the other classes of fortifications—namely the sea and land fortifications—he admitted that they must be guided to a certain extent by authorities upon these matters, and the authority which the Government put forward was the Commissioners. Those Commissioners were appointed in order to support a foregone conclusion, and to deal with fortifications at certain specified points, and not with the national defences at large. They had, however, contradicted in their later Report their former representations. They had stated most distinctly their belief that the Armstrong gun might pierce iron-clad ships at 1,000 yards, and they afterwards admitted that it could not be done. Now, when they found gentlemen making so great a mistake, it tended to diminish their authority with respect to other matters. What appalled him most with regard to the Commissioners was their unanimity upon the question of the Spithead forts, especially when one observed that the preponderance of opinion beyond its limits, among men equally experienced and well-informed, tended the other way. The objections which he had ventured to urge against the subject being referred to the Commission was that they were sure to support a foregone conclusion. Their testimony was of no weight, and the manner in which they examined the witnesses, particularly Captain Coles, showed that they approached the subject with a prejudice. With respect to the present Resolution, ought not the decision of the Government with respect to the Spithead forts to govern the whole series of fortifications of the same class? If it was right to abandon the forts at Spithead, surely it must be wrong to proceed with the forts at Plymouth. A vessel might elude the one just as easily as the other. No gun yet constructed could pierce an iron-clad vessel at a greater distance than 200 yards. He was surprised that the Secretary to the Admiralty did not, after the

allegations which had been made in the debate, tell them what was the truth about the guns. After having spent £3,000,000, or, at least, an enormous sum, on improved artillery, during the last few years, had they a single gun which could penetrate an iron-clad ship at a distance of 500 yards? If they had not—if 200 yards was the limit of the range, there was no use in going on with the forts at Plymouth. It might, perhaps, be said, that although no such gun had been made yet, it would be invented in the course of time. That was very doubtful; but it was as absurd to incur the expense of these fortifications before they had got the armament which would alone make them serviceable, as to build a house after the fashion of the architect of Laputa, beginning at the roof and working downwards. He maintained that they ought to trust to their maritime resources, and to keep up a powerful Channel fleet and a number of movable batteries. He therefore appealed to the Government to adopt the suggestion of the hon. Baronet the Member for Stamford, and to devise some plan by which they could submit to the separate decision of the House the three different classes of works proposed.

LORD CLARENCE PAGET: Many hon. Gentlemen have said, that as the question of the Spithead forts is postponed, they will not enter into the merits of the question. In spite of the postponement, many hon. Gentlemen have gone very largely into that question; and although I am very much tempted to answer some of the arguments as to ships against forts, I will defer that to another time. I have been called upon to answer the statement of the hon. Member for Liskeard with regard to the account which I gave on a former occasion of the large gun of Sir William Armstrong. He challenged me early in the evening to answer that statement, and I did not do so at once, because, if I had denied it, I should have met with the same sort of remark which the hon. Gentleman gave to the noble Lord. When the noble Lord distinctly denied what the hon. Gentleman stated, the hon. Gentleman said the noble Lord had made an apology. I did not wish any one to suppose that I could make him an apology, and therefore I refrained from an immediate denial. But the hon. Gentleman has entirely misrepresented what I did say on that occasion. What I did say I am prepared to

say again, and in what I said I am borne out by the Report of the Iron-plate Committee. What I did state as to the result of the trial of the 150-pounder gun was this—The first shot of 150 lb., fired with 40 lb. of powder, struck a portion of the target which had been a good deal shaken, and did not go through; but the second shot, with 40 lb. of powder, struck nearly the same place, and did go through. It would have committed great devastation in the ship, and would possibly have gone through the opposite side. It could not go through the opposite side, because the target was only one side of the ship. I then described the next shot with 50 lb. charge. I stated on that occasion that the shot went clean through the plate and backing, and buried itself in the back of the target, where the piles which supported the target were placed; and I am bound to admit that I had the impression, in common with all who were present, that it had gone through the iron skin at the back. I believe that opinion has been modified. It did not go clean through; but I do not suppose that the *Warrior*, fired into at that distance, would not have received damage which would have jeopardized her very existence. [“Oh, oh!”] Well, that is my deliberate opinion as a naval man. I may be wrong, or I may be right; but I can only say, that I should be very sorry to stand in the *Warrior* receiving many shots from such a gun at that distance. I could read to the House the former report, but you will give me credit for having stated, as near as possible, the exact effect of it.

VISCOUNT PALMERSTON: Sir, I think I may infer from what has been passing that the Committee would wish to come to a decision this evening upon the question before them, and I think I may say so the more confidently because this is only the first stage of the proceeding. It is really and substantially asking leave to bring in a Bill. The Bill, when brought in, will go through its several stages, and hon. Members will have the opportunity, both on the second reading and in Committee, to discuss any part of the arrangement which challenges observation. In the first place, I will make some remarks upon what fell from the hon. Baronet the Member for Stamford (Sir S. Northcote) who was very eloquent in defence of posterity. He objected to our plan because it throws upon posterity a burden which we ought to take upon ourselves. He reminds me a little

of an answer which might be given to him—similar to one which was given in the time of Mr. Pitt to somebody who was eulogizing the plan of a sinking fund on the ground that it would be relieving posterity from the burdens of the day—"Why should we do so much for posterity? What has posterity ever done for us?" I was somewhat surprised at the objection of the hon. Baronet, because his objection is founded upon a deliberately-adopted financial principle. He says it is not right or fit that services of this kind should be provided for by loan—that they are matters which ought to be the subject of annual estimate and of detailed discussion in Committee of Supply, and he wishes us to retrace our steps and adopt his views. But what happened two years ago when this question was first proposed to the House? When I had the honour of giving the reasons why this great expense—great as I admit it is—should be defrayed by loan, and should not form part of the annual burdens of the year, the hon. Baronet, if my memory does not deceive me, adopted the views of Her Majesty's Government and voted for the loan, although he now finds, on reflection, it conflicts with what he thinks are the just principles of finance. No doubt, the hon. Baronet remembers the example mentioned by the hon. Member for Liskeard as to changing opinions in this matter—changes which the hon. Gentleman so ably defended and so admirably illustrated. He taunted right hon. Friends of mine with having, on former occasions, differed with me in opinion, and having now agreed with me; whereas my hon. Friend himself formerly agreed with me in opinion, and now, unfortunately, differs from me. His example is undoubtedly an apology for the hon. Member for Stamford. But the House is not bound to follow the aberrations of his opinions. The House having deliberately sanctioned the proposal of the Government that these fortifications should be provided for by loan, the House need not upon any argument of the hon. Baronet retrace its steps and think it not a proper method of providing for the expense. The reason why I thought that the proper course was by loan was, that these fortifications are permanent works, made upon the freehold. They resemble the permanent improvements made upon a man's estate, for which he is justified in charging those who come after him. We thought, upon the same principle, that as

these fortifications are permanent works, it was fair to throw the burden upon some years to come by providing terminable annuities of thirty years for the purpose—not, indeed, to throw any burden upon the posterity of the hon. Baronet, because, I trust, he may live to see the conclusion of the charge—but to throw upon a certain period in advance a burden which we thought was too great to ask the House and country to submit to in the current year.

Then I am asked by the hon. Member for Norfolk (Mr. Bentinck) whether it is our intention to take up the Resolution which he persuaded the House to adopt some little time ago, and to provide out of the loan for floating defences. It is not our intention to do so. The original plan which we proposed was founded upon the Report of the Commissioners, in which there was made a distinction between permanent works and floating defences. The permanent works were to be of long duration. The floating defences were in their nature temporary, and could last only for a limited time. We thought permanent works were fit matters to be provided for by loan. We thought that floating defences ought to be provided for in the Votes and Estimates of the year. Since the period of the hon. Gentleman's Resolution I have communicated with my noble Friend at the head of the Admiralty, and I asked him whether, in his opinion, it would be desirable or necessary to take any credit in the loan for those floating defences which he is about to provide. My noble Friend said—No; he thought the annual Votes would provide sufficiently for those floating defences which were in contemplation. Therefore the loan will be confined to the purpose for which it was originally destined.

Many opinions have been quoted in the course of this discussion. Some hon. Gentlemen have found fault with our plan because opinions have been expressed, no doubt by very competent officers, different from ours and adverse to our plan; that has been the ground upon which some Gentlemen have objected to our plan. The right hon. Member for Limerick (Mr. Monsell) objects upon a totally different ground. He finds fault with the recommendations of the Commissioners because the Commissioners were unanimous. It is difficult to please Gentlemen who take such opposite views; but I do not find fault with the Report of the Commissioners because the Commissioners have unani-

mously come to the opinion which they have expressed. My right hon. Friend the Secretary of State stated very truly that there was no subject connected with science upon which we should not find a number of persons differing diametrically in opinion, although they were all good judges of the subject. Take questions of legal improvement, take medical science, take military tactics, take naval tactics, and I defy you to find any proposal so plain and so demonstrable that there will not be found able men on the one side and also on the other. Well, that is the case with regard to the system of fortifications. All that the Government can do is to take the opinion of men whom they think fit and competent judges; and if they concur in the view of the Commissioners, then upon their own responsibility to propose the plan to Parliament and to recommend it. That is what we did, and what we do; and we see no reason to depart from our opinions in consequence of the different criticisms which we have heard, and the testimony which has been given to the ability of those officers who may have come to an opposite conclusion. Being firmly convinced that the system of fortifications which we have adopted is the one best suited for the defence of our naval arsenals, we proposed it two years ago; we abide by it now, and we ask another Vote to carry that system into effect.

The Amendment of my hon. Friend really almost negatives itself, because he says that we ought to be guided by that progress which is annually being made in the science of attack and defence — by which he does not mean strategical science, but only the progress which is made in weapons of offence and the resources of defence—and he also says that the navy is the main arm on which this country ought to rely. Well, I quite agree with both of those propositions, and contend that the course which we have pursued is perfectly consistent with faithfully carrying them into effect. Many hon. Gentlemen imagine that the fortifications which have been constructed are constructed upon old principles and without reference to the great improvements which have of late years been made in the means of offence. That is an entire mistake—it is exactly the reverse of the fact. Those fortifications have in many cases been constructed in consequence of the great improvements which have been made in artillery, and the greater range which cannon shot is capable

of taking. It is precisely because great improvements have been made in artillery that additional works of defence have been judged to be necessary; and these works, I contend, are constructed in accordance with the best and most recent principles of attack and defence which are appealed to by my hon. Friend. Well, then, I also say, that the whole foundation of our measures in this respect has been the fact that the navy is the great arm of defence in this country, because all our fortifications have for their object the protection of naval arsenals or naval stations. Go to Pembroke, go to Plymouth, go to Portland, go to Portsmouth, go to Sheerness, go to the Medway—all these fortifications are expressly intended for the protection of our arsenals and dockyards, without which you cannot have a navy at all. You might as well expect to have a good dinner without a kitchen, as a good navy without dockyards; and you cannot have good dockyards unless they are securely defended. If we adopted the recommendations of some of the hon. Gentlemen who have spoken, and left the arsenals to take care of themselves, it requires no great discernment to see that without dockyards you could have no navy. Well, then, dockyards being essential for the creation and maintenance of a navy, I say we are perfectly justified in recommending those measures of defence and protection which men of military and naval science, men of ability and integrity, have reported to be necessary for keeping our dockyards in a position of security against attack. There has been a great deal of disappointment expressed by Gentlemen in the course of this debate. On former occasions it was usual for Gentlemen who had not had an opportunity of delivering their speeches to publish a pamphlet entitled *A Speech Intended to be Spoken*. Now, I think that some of those speeches which we have heard to-night might better have been published in the shape of a pamphlet, because they apply to that which my right hon. Friend has not proposed. They were told by my right hon. Friend that it was not our intention to go on with the Spithead forts until next year. What he said was, that those Spithead forts have been suspended at the desire of the House of Commons, that a loss has been consequently incurred, that the season is now far advanced, and that the great question of the relative power of cannon and iron-cased ships required further experiments to solve it satisfactorily.

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That being the case, we should not be justified in calling upon the House now to anticipate the decision of that question by going on this year with the Spithead forts. But many of the speeches which have been made were prepared on the supposition that we were going on with the Spithead forts immediately, and those speeches have been delivered notwithstanding the statement of my right hon. Friend.

The Commission originally recommended not forts to the exclusion of floating defences, but a combination of both. Now, two or three months ago, in consequence of an action which took place under very peculiar circumstances in the United States of America, something occurred of which I hope my hon. Friend the Member for Rochdale (Mr. Cobden) will write an account as the fourth panic. The House was seized with panic. Hon. Members thought that the contest between the *Merrimac* and the *Monitor* was decisive of the real value of iron-cased ships and forts, and in a panic they called upon Government to suspend the construction of the forts. We gave way. We did not think the contest decisive; but still there was enough in what had happened to justify us in suspending the construction of works as to which a doubt might exist whether they would be capable of fulfilling the purpose for which they were intended. The distance between those forts was stated to be about 2,200 yards; but the best constructors of artillery say that they will be able to make guns which at half that distance would batter the armour of an iron-cased ship. That remains to be seen. If those forts should turn out to be so placed that they could not accomplish the purpose for which they were intended, that would be a matter which the Government would be bound to take into their consideration. But there can be no doubt of the general principle that forts as opposed to ships must have the advantage, because they may have a gun of any size you can manage, whereas a floating battery cannot sustain more than a certain weight. Well, then, the question for which hon. Members had prepared speeches of great ability, and great critical acumen, was withdrawn; and though it was very natural, and not at all to be found fault with, that hon. Gentleman should, even in anticipation of a question which would not come on until next spring, imagine that there was a fine opportunity for giving expression to that which had formed the subject of their meditations, the

House will see that a great part of the debate which they have been listening to does not apply to the question under consideration. That question is, whether we shall go on or not with a system of land defences which has been considered by the most competent judges to be necessary for the protection of our dockyards and naval arsenals.

The hon. Member for Norfolk has returned to his old position. He objects to the fort to be constructed in the rear of the breakwater at Plymouth, and says, if the Spithead forts are not to be built, why should we go on with the other? The answer is plain—the two questions are entirely separate and distinct. The objection against the forts at Spithead is, that their distance from each other is so great that iron-cased ships passing half-way between them would not be injured by their fire. That objection does not apply to the fort at the breakwater. The only practical objection made to that fort was that it would interfere with the navigation of the sound. Well, upon that point, the harbour master, the only witness called before the Commission, declared that it would not so interfere; and if that be so, it is quite evident that a fort interposed between the two others on each side of the entrance to the sound, and commanding everything outside of the breakwater, and everything between that and Drake's Island, will be of the greatest possible use in opposing any hostile vessel that may wish to enter. Therefore, the doubts which have arisen as to the expediency of the forts at Spithead do not apply to the case mentioned by the hon. Gentleman.

Some hon. Gentlemen deal very summarily with these matters. Some say, "Do not fortify your dockyards;" others say, "Do not have so great a standing army;" and others, again, maintain that the fleet is too large. That is not the common opinion of the country on any of those points; but if all these opinions were acted upon, the result would be that the country would have neither fleet, nor army, nor a dockyard, and that we should have to rely entirely on the goodwill, kindness, and forbearance of our neighbours to protect us in all possible contingencies against any difficulties in which we might be involved. I do not think that is the feeling of the British nation. I think, on the contrary, that the British nation feels, and I am sure this House feels, that a country like

this ought to be on a footing of respectability, at all events, and with the means of defending itself against all enemies. I have been told this evening that the grounds on which I proposed this Vote on a former occasion—two years ago—were offensive to a neighbouring Power. I deny entirely that assertion. I then based the Vote, as I now do, upon grounds which are essential to a good understanding with all Powers. With respect to France, which was the Power mentioned, I say that a footing of equality in regard to self-defence is the only possible foundation for a strong friendship and alliance—

“——paribus se legibus ambo

“Invictæ gentes sætæna in federa mittant.”

So long as nations are equal, they are likely to be friends. We all know how quickly passions are excited, and how easily nations are led away. We know how impossible it is to reckon on the friendly feelings of any nation even for twelve months. We have had an example of this in America, and therefore we should be acting culpably towards ourselves, and not fairly towards other countries, if, in the notion or even the conviction that other countries would remain friendly to us, we should leave ourselves destitute of those means of defence which every nation is bound to provide for itself. The hon. Member for Finsbury (Sir M. Peto) has told us of the friendly disposition of the Emperor of the French. The hon. Member cannot be more fully convinced of that fact than myself, or the Government, or, indeed, every man in the country. I cannot, however, go along with the hon. Member in thinking that the mere abolition of passports in France is any great security for peace between the two nations, and I think that in making such an assertion the hon. Member rather amplifies a small matter. But the Emperor of the French in much more important things has shown a most friendly and cordial feeling towards this country. It is quite true that at the time of the Indian mutiny the Emperor of the French offered to us the greatest facilities for the purpose of sending troops across France, if we chose to avail ourselves of that channel of communication. It is also true that in our late dispute with America he volunteered of his own accord, without any asking on our part, to express an opinion, which had a great and powerful effect on the decision of the American Government. He might, if he had been so minded, have implied doubts as to the justice of

our demand, or have kept silence. He did no such thing, but in the most generous and frank manner he declared that the French notion of maritime law was in our favour, and not in favour of the United States. It is impossible too highly to praise the friendly disposition which the Emperor of the French, on all occasions, has shown towards this country; and, notwithstanding the doubts implied on a former occasion by an hon. Member, it is impossible for two Governments to be on a more cordial, intimate, and confidential footing with each other than Her Majesty's Government and the Government of the Emperor of the French are. But I say that this is not a ground on which a nation ought to repose in reference to a question of such vital interest as the means of defence against the possibility of attack. We have had an example of this in respect to America. Not more than a year and a half ago the whole population of America was bursting with enthusiasm in favour of England and the English Royal family on the occasion of the visit of the Prince of Wales. Any man would have said that this was a pledge of permanent peace between the two countries; but shortly afterwards the unhappy civil war, which is still raging, broke out, and the Northern Americans found fault with us for not taking part with them on that occasion. A burst of feeling of a different kind then manifested itself in the United States; and if the American Government had not been more prudent and friendly in tone and temper than the American public, both countries might have been involved in most serious difficulties.

It has been stated by the hon. Member for Liskeard (Mr. Osborne), that two years ago I came down and proposed this measure as one to be carried into immediate operation. I did no such thing. We stated that the Report of the Commissioners showed that with a large annual expenditure the plan could be completed in four years. We found afterwards, that in consequence of the arrangements requisite to be made in reference to the purchase of land and other matters, it could not be done within that period. It will not be done within four years, but within a somewhat longer period; but is that a reason why, now when many of the works are in a state of great progress, when contracts have been made for some parts of them, and contracts are about to be entered into for the completion of others, we should

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leave all the works unfinished, and "turning our backs on ourselves" (to use a phrase often criticised), lightly, recklessly, and without due consideration, abandon a system adopted after deliberation and full consideration, upon the best information, and with the authority of men who are competent judges in the matter? These works, when complete, will not be a menace to any country whatever, nor will they in any way increase the liability to war; but they will be a security for the continuance of peace. The hon. Member for Finsbury asked why did not the English Government come to an understanding with the Government of France to limit to a certain relative amount the naval forces of both countries. I say that that is not a proposition which one independent country could make to another. Even if England and France were the only Powers in the world that had navies, it is a proposition which neither would think of accepting. But we are not the only naval Powers. Other Powers, both in Europe and America, are creating navies—and iron-clad navies too—as fast as they can. The hon. Member for Liskeard has called the navy our natural arm of national defence; and, that being so, it is necessary, in order to have that navy, that we should have our dockyards also. As to the idea of giving up Portsmouth as a dockyard, and founding somewhere else a new establishment, that is a notion that cannot be entertained. Establishments like Portsmouth are the work of ages, have had immense sums expended on them, and are not lightly to be given up. The hon. Member said that the depth of Portsmouth harbour was not sufficient for the *Warrior*, but the depth has been, and will be, still further increased. Portsmouth has many recommendations as a general naval arsenal. Spithead is a refuge for the merchant vessels in the channel, and an anchorage for the Royal Navy, and no man in his senses would seriously recommend the Government to abandon Portsmouth and seek an establishment elsewhere. With regard to naval warfare, it is quite evident that steam now is the general instrument for the propulsion of vessels, whether made of wood or of iron. It is said that steam has made a blockade more easy. On the contrary, it has made it infinitely more difficult—for this reason, the blockaded force may get out at any time, by getting up steam, whilst the blockading squadron must go in from

time to time to get coal. We have on the southern coast of England but two places where men-of-war can coal with facility, namely, Portland and Dover. To coal at Spithead or in the Downs by means of lighters is an operation of difficulty. Having taken in their stock of coal alongside the pier at Dover or Portland, the ships can in the shortest possible time return to sea. Then it is said Dover is a place where fortifications are of no use. But Dover has been fortified for a long time, or fortified enough to enable a force landed there to establish itself in a position from which it might be very difficult to dislodge it. But these are details that more properly belong to the discussion that will come on in Committee on the Bill. I will simply say that I hope and trust the House will not go back from its decision, taken by a large majority two years ago, the measure being exactly the same, and its principle exactly the same, as it then affirmed. And I hope the hon. Member for Liskeard, who moved the Amendment, will be satisfied with having discharged himself of that speech, which has done him credit, and showed much research and investigation, and reserving to a future stage of the Bill any objections he may still entertain to the measure we proposed, will not give the Committee the trouble of dividing to-night.

MR. DISRAELI: We have heard something to-night of the inconsistency and vacillation of the House of Commons. This House, like every popular assembly—and I trust the House of Commons will always be a popular assembly—must reflect, in a great degree, the feelings and convictions of the people of the country; and, no doubt, those feelings and those convictions, like all things human, are liable to change. But there is another body of men who might be expected to be superior to this mutability unfortunately incident to mankind—that body of men who are the responsible advisers of the Crown. One would think, from the gravity of their duties, from their position, from the care and pains they must take in inquiring into every subject that engages their attention, and for the right conduct of which they are responsible to their Sovereign, from the ample and accurate information they can acquire on all questions on which they are called to decide, that the responsible advisers of the Crown would be free from inconsistency and

vacillation on a matter of such grave importance as that which engages us this evening. Yet what has been the conduct of Her Majesty's Ministers on this subject? Are they free from the imputation of vacillation and inconsistency, which the right hon. Secretary for War indiscreetly, unjustly, and—without offence to him—I think, so untruly, throws on the men among whom he sits? What was the origin of this great scheme of fortification? A paper was laid on the table that prepared the House for an expenditure of £11,500,000. When the House was prepared for this expenditure by that paper, the Prime Minister explained the plan, and in the course of his speech the £11,500,000 came down to £9,000,000. In the course of the same evening the then Secretary of War, following up with a more luminous comment the exposition of the Prime Minister, reduced the future liability for carrying on these works to £5,000,000. And the present Secretary of War has tonight informed the Committee that their cost will be £6,500,000. There appears, therefore, to have been, if not inconsistency, at least great vacillation in the opinions of Her Majesty's Ministers on this subject. It is brought forward in a manner that deprives this House of its privilege of examining details; yet, even as to the financial part of the question, the opinions of the Government have been thus varied, contrary, and vacillating. And if we pursue the measure, do we find wanting that character of vacillation and inconsistency which attended the inception and introduction of this project? Why this scheme may be divided under three heads; there is the plan for land defences of our arsenals; there is the plan for the defence of our arsenals seaward; and there is the plan for the creation of inland arsenals. Well, the plan for the defence of our arsenals seaward is, I apprehend, relinquished; the plan for the creation of inland arsenals is also abandoned. And what has become of the third portion of the plan? I would ask those Gentlemen who impute vacillation and inconsistency to the House what becomes of the third plan on which they insist—that for the land defences of our arsenals? The noble Lord has this moment made an appeal *ad misericordiam* to the House, and says it will cost more to put an end to this project than to carry it into effect. Why, this is the excuse men make who have entered

into extravagant and unwise building projects, and having spent a certain sum of money without any adequate result, cannot reconcile themselves to the fact that the money is wasted, and are so tempted into fresh expenditure. That is the position in which we find ourselves; that is the history of the proceedings of Her Majesty's Government, who commenced the evening by charging the House of Commons with vacillation and inconsistency with regard to this important question.

The noble Lord has criticised some of the remarks made by hon. Friend the Member for Stamford. I confess it appears to me that of all the observations that have been made this evening those remarks of my hon. Friend were the most pertinent. They really touched the very point on which we want information. We are told that certain sums are expended in certain works; but we want to know what sums and where are they expended? It is only when we have this information before us that we can form any practical opinion of these works. The noble Lord's plan of defending our arsenals seaward by forts has really been demolished by the general opinion of the country. I apprehend that the general opinion as to the creation of inland arsenals has produced the same result. But as to the third portion of the noble Lord's scheme, that of the land defences, which has been commenced, which has been carried on for some time, and on which large sums have been expended, it is utterly impossible the House of Commons can give any practical opinion, unless they have some further information as to the amount of the expenditure and the places where it is to be incurred. These are the points we ought to have before us, and which we should have had before us if this business had been brought under our consideration in the usual Parliamentary manner. It is on that ground, but not on that ground alone, that my hon. Friend objected to the form in which this subject is introduced to the House. He objected to it upon grounds which I thought must have been shared in by all the Members of the House, that the last resource we should adopt to defray this expenditure is a loan. The noble Lord has introduced a very stale story, which involves a very demoralizing doctrine in finance. He seems to think that posterity is a pack-horse, always ready to be loaded. And I think the principle of finance the noble Lord promulgated to-

night throws some light on that remarkable contrast between the policy of the Chancellor of the Exchequer, during the last three years, and the expenditure recommended by the noble Lord. We have had a war expenditure in time of peace, combined, and erroneously combined, with a system of finance that only a peace expenditure could justify. The consequences of that combination may alarm us and other Members of the House; but when those consequences begin to appear—and they may be nearer than we suppose—they will perhaps be no source of alarm to the noble Lord, because when his financial embarrassments commence, he is perfectly ready to draw upon posterity. To-night he is establishing a precedent which, if sanctioned by the House, will allow him to engage the expenditure of the country in worthless purposes of any sort with impunity. My hon. Friend, therefore, has clearly put before the House the difficulty in which we are placed arising from the mode in which this subject is introduced. We have not that due control over the expenditure of the public money in the case of these fortifications which, whatever may be our opinion of the policy or impolicy of their construction—for of that I now say nothing—the House of Commons ought in my opinion to possess. It was for that reason that my hon. Friend made the observations which he addressed to the Committee to-night; and when the noble Lord taunts him with having changed his opinions on this subject since July, 1860, because then forsooth he did not enter his protest against raising the money by way of loan, I would remind him that many other persons besides my hon. Friend may also have changed the mood in which they view this question since that period. At the end of the year, after a severe financial campaign, after having fought almost every point involved in a complicated Budget—in which I may say in passing there was not the slightest allusion made to the expenditure requisite for these fortifications, by which omission the House of Commons was, if not intentionally, practically and absolutely misled, and when even the Minister particularly responsible for the finances of the country had said nothing on a subject so important as that now before us—the noble Lord brought forward this monster proposition; and now, because my hon. Friend, after having given the matter

the due consideration which he had not then, at the fag end of a Session, had an opportunity of giving, objects to the principle on which it is proposed to raise the public money for this purpose, he is accused of having altogether departed from the views which he once entertained. But has not the noble Lord himself, let me ask, changed his views on the subject of this loan? Is the tone in which he addressed the House to-night that in which he recommended those fortifications to our notice in 1860? Is the tone in which he spoke of our relations with France the same to-night as it was then? Are the views to which he has given utterance to-night in regard to those relations identical in feeling or expression with those which he promulgated at the end of the Session of 1860? The noble Lord has to-night, in language of great propriety, and, so far as I can form an opinion, of great truth, described the relations which exist, and which I think should exist, between England and France. In the year 1860, however, the noble Lord came down to the House, and stating that the truth could be no longer concealed, told us that this country was in imminent danger, and that he did not know at what moment the cloud might burst. He then gave us to understand that it was France we had to fear. And what was France to do—that humane and civilized ally, by whom the noble Lord now remembers the advantages conferred upon us during the Indian mutiny, to whom we are indebted for so much courtesy in the case of the *Trent*—services acknowledged, I would remind the noble Lord, before to-night, by hon. Members on both sides of the House in speaking of the French Emperor and nation? But what, only two years ago, were we led to expect from this our ally and neighbour? We were asked to believe that a blow might be struck suddenly and immediately by her against us; the noble Lord told us, in short, that France was the enemy against whom we must prepare; and what was she to do? To strike at the heart of the country; to sail up the Thames, to enter London, there to dictate an inglorious peace, while she levied exactions on a conquered people. When, then, the noble Lord taunts my hon. Friend with not having seized the opportunity, at the end of July, 1860, to protest against the form in which it was proposed to raise this money, he ought to bear in mind that others have changed

their views on the subject since then, and that the calm and quiet financier is not always master of himself when a Prime Minister comes down to the House and makes those terrible communications to an appalled and affrighted House of Commons. But let me now observe that we are involved in a somewhat peculiar position with respect to the Resolution before us. The Resolution of the Government asks us to sanction that which they themselves say they do not wish us to adopt, and this anomaly is explained by a technical reason which I did not accurately collect from the speech of the Secretary of State, but which I will take it for granted was sufficient and satisfactory. Then we come to the Amendment of the hon. Member for Liskeard, to which the great objection is, that, as matters stand, it does not offer to the House any clear issue. In consequence of the shifting of the Government—in consequence of the Government, before the debate commenced to-night, relinquishing two of its three schemes, the Amendment is so framed that it no longer applies to the real state of the question, nor meets the necessities of the case. If we agree to this Amendment, we shall be pronouncing an opinion which practically is a definite one with respect to the proposed forts at Spithead, the allusion to which constitutes the most prominent portion of the Amendment, but which are relinquished by the Government. I may add, that if anything was ever satisfactorily demonstrated in this House, it is that the rule, the validity of which the Government have recognised with respect to Spithead, also applies to Plymouth. The noble Lord, indeed, is the only person sitting on the Treasury Bench who attempts to controvert that proposition. He does not, however, at all appear to me to meet the difficulties of the question. He mainly relies on the evidence taken by the Commission on the subject. But it should be borne in mind that the Commission examined only one witness, and that that witness was the harbour-master. Now, one witness may be, no doubt, enough when he happens to be of your own opinion; but those who have heard from persons of authority that the construction of this fort might seriously injure the navigation of Plymouth Sound, would naturally wish, that if an investigation into the matter took place, the evidence of some person, at least, should be taken who was of opinion that its construction would have that

effect. The evidence, however, of only one witness, he too being a local and official witness, was taken, and the result, under such circumstances, can scarcely, I think, be regarded as satisfactory to the House. What the Committee want is, that all these points should be brought separately before them; and, now that we have proceeded so far in the construction of the works, I think it would be more satisfactory that we should endeavour to obtain some more practical mode of pronouncing an opinion upon them than can result from the Amendment before us, which, after what has taken place, is of an imperfect character. There is, however, one observation of the noble Lord to which I cannot help referring—I allude to his justification of his proposition for a loan for the construction of these works. He says that we are, by means of these fortifications, improving as it were our freehold, and that as a consequence they are works, the cost of which we may properly and justly call upon posterity to defray. But let me remind the noble Lord that we are every year erecting fortifications in this country, and that the charge for them appears in the annual Estimates. Is not the freehold equally improved when we vote £500,000 for Keyham Docks as when we vote a similar sum for the fort at Plymouth Sound? I want to know where the line is to be drawn, if the principle advanced by the noble Lord is to be adopted. Every public work in this country may be looked upon as an improvement of the freehold, yet the expenditure for such works generally appears in the Estimates. The Houses of Parliament are an improvement of the freehold—I trust a permanent improvement, and one which posterity may enjoy and admire. The expenditure for the Houses of Parliament, however, appeared in the Estimates. And what is the result of this new financial principle of the noble Lord? I find, if I am not mistaken, that in this and in the last year the usual Vote for fortifications is no longer contained in our Estimates; but, in order that they may appear of less amount, it is now defrayed out of the money raised under the Act already passed on this subject. I beg, therefore, the Committee to observe the new and dangerous course into which we are now entering,

which may be the means of carrying on a war expenditure, not by increased taxation—which it is not probable that the country will bear—but by a system of loans. Under these circumstances, I confess it appears to me that the Committee is not placed in a satisfactory condition as regards this expenditure. I agree in thinking that we have been hasty and precipitate in adopting this great scheme, and in assenting to the loose and dangerous machinery by which the funds have been raised to carry it into effect. But it is useless to regret the past. The object is now to compensate as much as we can for our past errors, see if it is possible to exercise a due control over this outlay, and at least know for what objects our money is expended, and where it is expended. Now, it appears to me that the safe mode by which we can approximate to such a conclusion is by allowing a Bill to come into Committee; and then, upon every clause of the Bill, we shall have the opportunity of examining those questions in detail. When the Plymouth fort is brought under our consideration, the opinion of the Committee may thus be taken upon it, and we can really discuss with the requisite knowledge, and with the time and patience which the question deserves, whether there is any essential difference between the course which we should take with regard to the Spithead and the Plymouth forts. For myself, therefore, I must say, that particularly after the great changes and concessions which the Government have made to-night, entirely altering the aspect of the question—giving up the inland arsenal, giving up, as I apprehend, all the seaward defences of our arsenals, and only retaining the landward expenditure, on the ground that money has been spent, and that it would be more costly to leave those defences unfinished than to complete them—I think, under these circumstances, our great object should be to get the Bill into Committee, and there take the opportunity of discussing these questions in detail. Our course will be facilitated if no Amendment is pressed to-night. The Amendment now before the Committee will give a false inference to the country, and in this I agree entirely with the noble Lord—namely, that it is much better, when this Vote is passed with the interpretation put upon it by the Secretary of State, that we should go into Committee, and avail ourselves of the opportunities of scrutinizing the ex-

penditure which will there be afforded to us.

SIR FREDERIC SMITH said, that having seconded the Amendment of his hon. Friend (Mr. Bernal Osborne), he should now call upon him not to press it.

MR. BERNAL OSBORNE: I do not think I have any reason to regret the discussion which has taken place; for although it has been made a matter of taunt that speeches have been delivered on the subject of these Spithead forts, I think it is more a matter of taunt to the Government that they should put such a Resolution upon the paper never intending to propose it. What alternative had I, not knowing the secret councils of the Treasury bench, but to master the subject as well as I was able? I leave it to the Committee to say whether I did master the subject, and whether any detailed answer has been given to my objections. It has been said by the right hon. Gentleman the Secretary for War that no sane man could propose such an Amendment as mine, or could suggest the postponement of these works; yet in the next breath, with the sanity which generally distinguishes the right hon. Gentleman, he proposed himself to postpone the further construction of the Works at Spithead. What an answer this is to the Resolution which the right hon. Gentleman himself moved! But I go further, and say, that if the works at Spithead are postponed, the same principles apply to the forts at Plymouth. The noble Lord went off on the forts behind the breakwater, but there are other forts at Plymouth to which the same conditions apply as to those at Spithead, the only difference being that the Plymouth forts are 1,500, while the Spithead forts are 2,000 yards apart. However, I will not urge this point to-night. The noble Lord (Lord C. Paget) said he would offer no apology to me. Well, I asked for none. I can hardly expect that the noble Lord, who, when out of office, accused the Admiralty of spending £5,000,000, which never appeared in the Estimates, and who failed to make any apology to Sir Baldwin Walker when he was shown to be quite in the wrong—I can hardly expect him to make an apology to so humble an individual as myself. But when he comes down and endeavours to save over his explanation respecting the experiments at Shoeburyness, I put it to the hon. and gallant Member the Chairman of the Iron Plate Committee (Sir J. Hay), whether I have

not stated accurately the facts of those experiments, and whether the noble Lord did not give the House to understand that those experiments had been entirely successful? I come now to the speech of the noble Lord at the head of the Government, to which I listened with pleasure, for his remarks upon our French allies must be a subject of congratulation not only to the hon. Members of this House but to every man in the country. The noble Lord, however, has slain a great many giants of his own creation. He said for example, that we were willing to abandon Portsmouth Dockyard, though no such argument was ever used on either side of the House, and that we wished for peace at any price—a sentiment which we shall equally repudiate. Sir, we are as anxious as any men can be for the proper defence of the country, but we question the efficiency of the plan proposed by the Government. I question the enormous expenditure which you are about to incur on the Report of this Commission, which will insure no adequate results. But I do not wish to prolong this debate. The Government have made concessions; and I shall take the advice which has been so courteously given to me on the other side of the House, and shall not press the Amendment.

**MR. BRIGHT:** The proposal of the right hon. Gentleman (Mr. Disraeli) appears reasonable enough if the facts be with him. But I understood the right hon. Gentleman the Secretary for War to say that the Bill which he was about to introduce was merely a continuance Bill. If it be so, it may consist only of one clause, continuing the Act passed two years ago, and then we shall have very little opportunity of discussing any of those details. Now, I gathered from what the noble Lord said, that there would be an opportunity in Committee of discussing the points comprised in this Resolution. It may be, therefore, that the Secretary of State was wrong in the description which he gave of the Bill, and in that case, perhaps, he will be good enough to say so, and let us know, before we throw away the present opportunity, whether the Bill will be simply a continuance Bill, or one including in its clauses the different proposals to which it will refer.

**SIR GEORGE LEWIS:** The Bill consists of twenty-two clauses, being a repetition of the former Act, and it also contains a schedule in which the different

works included in the former schedule are set out, with the sum which it is proposed to expend on each.

Amendment, by leave, withdrawn.  
Original Question put, and agreed to.  
House resumed.

Resolution to be reported To-morrow.

PETROLEUM BILL—[Bill No. 154.]  
COMMITTEE.

Order for Committee read.  
House in Committee.

**SIR JOHN SHELLEY** said, he must object to going on with the Bill at that time of night. There were several objections to it, but it was impossible to discuss them at that time. He should move that the Chairman report progress.

**SIR GEORGE GREY** said, the Bill had been much pressed upon him. With regard to London, the regulations were the same as the Acts in force relating to gunpowder.

**SIR JOHN SHELLEY** said, he would withdraw his Motion.

Bill considered in Committee.

House resumed.

Bill reported, without Amendment; to be read 3° To-morrow.

AFRICAN SLAVE TRADE TREATY  
BILL—[Bill No. 160.]  
SECOND READING.

Order for Second Reading read.  
**MR. BRAND** moved the second reading of the Bill.

**MR. KINNAIRD** said, he was surprised that no notice had been taken of so important a Bill by any hon. Member on either side of the House. He greatly rejoiced at the prospect of the treaty, inasmuch as it gave promise of more effectually accomplishing that object—namely, the freedom of the African race—for which this country had made such great sacrifices. Deeply deplored as he did the civil war raging in the United States, it was a great consolation to find in this Bill a justification of the hopes of those who saw in this war the beginning of the freedom of the 4,000,000 of coloured people in those States. It was highly honourable to the American Government, in the midst of the pressure of war, and the aggravated complications of their present condition, to have proposed such a treaty. According to the testimony of the noble Lord who introduced the measure, the American Government, of their own ac-

cord, and in the handsomest manner, proposed the treaty to England, and he entertained a fervent hope that the calamity which had overtaken that great country would be overruled to the overthrow of one of the most abominable systems which had ever disgraced humanity.

MR. SOTHERON ESTCOURT said, that silence gave consent, and because the House was not disposed at so late an hour to enter into a discussion upon the Bill, it was not to be supposed that they did not take an interest in the question, or did not fully appreciate the value of the concession made by the American Government.

MR. SEYMOUR FITZGERALD observed that the Bill was not even printed.

VISCOUNT PALMERSTON said, the Bill was in accordance with the terms of the treaty.

Bill read 2<sup>o</sup>, and committed for Thursday.

House adjourned at half  
after One o'clock.

#### HOUSE OF LORDS,

*Tuesday, June 24, 1862.*

MINUTES.]—PUBLIC BILLS.—1<sup>o</sup> Parochial Friendly Societies; Lunacy (Scotland); Naval and Victualling Stores; Portdown Fair Discontinuance; Game Amendment; Bishops in Heathen and Mahomedan Countries.

2<sup>o</sup> New Zealand; Artillery Ranges.

3<sup>o</sup> Rifle Volunteer Grounds Act (1860) Amendment; Public Works and Harbours Act Amendment.

#### NEW ZEALAND BILL.

[BILL NO. 104.] SECOND READING.

Order of the day for the Second Reading read.

THE DUKE OF NEWCASTLE in moving the second reading of the Bill, said, that by the Constitution Act, 15 & 16 Vict., c. 72, the colony of new Zealand was divided, for the purposes of Government, into six provinces, but power was given to the General Assembly to subdivide those provinces and to create new provinces, if they should think fit, with the same powers as those possessed by the existing provinces. The General Assembly had thought fit to pass an Act, called The New Provinces Act, 1858, exercising that power. The colonial law officers were of opinion that the powers of the General Assembly had been exceeded. The law officers of the Crown concurred in that opinion, and

an Imperial Act was passed in the last Session to remedy the error. Subsequently to the Act arriving in the colony there was a change of Government, and the new colonial law officers found, so ill had the New Provinces Act been drawn, that in other matters the powers of the General Assembly had been exceeded. The law officers of the Crown again expressed their opinion that the law officers of the colony were right in their objections; and this Bill was intended to correct those mistakes. The Act of last Session was accordingly repealed, and the New Provinces Act of 1858 confirmed, and fresh provisions were made respecting the establishment of new provinces in New Zealand. If the Bill made any important alteration, it was in giving somewhat increased power to the Governor, in contradistinction to the Chief Superintendents. The power to assent to Bills would be vested in the Governor, and so far, he thought, it would be an improvement on the present state of the law. He only wished that the provision could be carried very much further, because he was convinced, as he had stated in debate last year, that the powers vested in the Superintendents were very prejudicial to the good government of the colony. It was quite impossible to trench upon these powers to any great extent by Imperial legislation, but he lost no opportunity of expressing an earnest hope that the colonists themselves would favour the diminution of the powers of the Superintendents.

Moved, That the Bill be now read 2<sup>o</sup>.

EARL GREY said, that this Bill had been described as one of comparatively small importance and as dealing with small and paltry matters. For himself, he regretted that the Government had not ventured to ask the House to cure some larger defects which he believed to exist in New Zealand constitution. The noble Duke had said that they could not remedy defects without withdrawing privileges from the colony. He did not concur in that view. Those privileges were accompanied with duties and responsibilities. When these extensive powers of government were given, it was understood that the colony was to provide for its own internal administration and its own internal defence. The boon which that would have been to this country had not been realized. There was a large British force, some 5,000 or 6,000 men, now in the colony, and not long since the number was considerably larger. Now, whilst

there was a force of 6,000 British soldiers in New Zealand, he protested against the principle that the Imperial Treasury was to be responsible for the military expenses of New Zealand, and yet the mother country was to have no effective control over the policy which made that expenditure necessary. No one could entertain the smallest doubt that the bloody and costly war which had just been brought to a conclusion in New Zealand was the direct result of the errors of our colonial policy—errors for which he admitted the Secretary of State was very slightly responsible, because, under the existing system, he had not the power to control them. What had occurred proved the absolute necessity, that when the Imperial Legislature retained responsibility, they should retain with it the power to protect both our own interests and the interests of the colony. His noble Friend said truly that the system of elective Superintendents was most mischievous. He believed it was the single instance in the British empire of elective executive officers. Against that provision in the Act of 1852 or 1853 he (Earl Grey) vainly remonstrated at the time, and by its operation the Governor was really deprived of all effective control over the measures of the Executive in the provinces of which he was not himself president. He objected to so imperfect a Bill as this. When there were gross and obvious faults in existing arrangements, which had led to unhappy results, the Government did not fulfil its duty in asking Parliament to remedy only minor and technical defects. It ought to be put to the colonists—"Did they wish for the continued protection of England? If they did, they must concur in the arrangements of the Imperial Government which were necessary for their own safety." He was the last person to propose to withdraw the protection of the Imperial Government from the colonies. He thought they had no right to do so. He was persuaded that at New Zealand or the Cape, where there was a considerable warlike population, the withdrawal of that protection would lead to a dreadful war of extermination, because the settlers themselves would not have strength to impose on the Natives that respect and fear which was necessary in order to govern them. But if it was wrong to withdraw protection, it was equally wrong to place the military power of the empire at the disposal of the colonists, and deprive the State of all means of controlling and

*Earl Grey*

moderating the policy of the colonial Government.

THE EARL OF DESART said, he entirely agreed with what had fallen from the noble Earl, both as to the propriety of continuing our protection of the colony, and of retaining the means of asserting our authority over it. With reference to a clause which he (the Earl of Desart) had introduced into the Bill of 1852, it was intended to obviate the inconvenience of introducing a new system amongst an almost barbarous people. It was never intended to be a permanent provision; but it spoke well for its expediency that it should have been made the foundation of all subsequent legislation for colonies similarly situated.

LORD TAUNTON said, that the tendency of the existing law was to paralyse the central authority. He admitted that the constitution of New Zealand was an anomalous one, and could only attribute the fact of its having worked with so little mischief to the excellent character of the colonists themselves, who were composed of some of the best of our English and Scotch population. They had thus endured a misgovernment which few other of our colonies would have allowed to exist. But, notwithstanding this misgovernment, he was not prepared to advise Parliament or the Crown to annul the present constitution of New Zealand, without some clear proof on the part of the colonists that they themselves desired it. It was no light thing to trifle with the liberties of our colonies, and to cancel the charter once conferred upon them; nor did he blame his noble Friend at the head of the Colonial Office for hesitating to take such a step. With regard to the defence of New Zealand, he suggested that it was possible for the Secretary of State to indicate plainly to the Government of New Zealand that he would not advise the Crown again to undertake the defence of the colony, unless such a policy was pursued towards the Natives as was likely to tend to peace.

LORD LYVEDEN agreed that it was necessary to grapple with this question, but the noble Duke was nevertheless quite entitled to bring in a Bill which did not deal with the question, being intended for quite another object. With regard to the defence of the colony, it seemed to him that the fault was the same in every case. The Colonial Office asked the local Government to adopt a certain course; they

generally refused to comply; then a time came when they asked for troops to defend the colony, and the troops were at once sent. He thought it was quite within the power of the Imperial Government to prescribe terms in such a case, and this was the course which he thought should be followed. This, however, was no reason why their Lordships should hesitate to pass a Bill, the object of which was merely to correct certain technical errors in former legislation. He wished to know from his noble Friend whether he was prepared to lay any further despatches on the table as to the proceedings of Sir George Grey in the colony.

THE DUKE OF NEWCASTLE said, it was sometimes dangerous to lay papers before Parliament while subjects were still pending and despatches might meanwhile go out again to the colony. Sir George Grey had recommended measures of considerable importance to the Home Government. Some of them had been adopted, others rejected, and others, again, were under consideration. He was willing to lay on the table all such papers as might now be safely produced, and he would undertake to withhold none which might be published without prejudice to the public service. With regard to the Bill under discussion, it did not profess to be one for the better regulation of the Government of New Zealand or for the improvement of the constitution; and unless pressing exigencies arose, or the local Legislature themselves recommended such a course, he should propose no measure for the amendment of the existing constitution. To do so would be to depart altogether from the system introduced respecting the colonies some years ago; a system which, whether right or wrong—and he believed that in the main it had led to beneficial results—should not be altered without further experience of its working, and better reasons for such an alteration than had been hitherto adduced. He had generally found the colonists amenable to reason; and when they showed the temper referred to by the noble Baron (Lord Lyveden), it was generally owing to the authoritative and dictatorial tone assumed towards them by the Home Government. As an illustration of this, he might refer to a recent money Bill on which the inhabitants of one of the colonies set great store. He wrote a despatch, pointing out in temperate and conciliatory language that the Bill involved a breach of faith; and immediately on the

receipt of that communication the colonial Legislature repealed the measure.

EARL GREY thought that authority ought to accompany responsibility. This country was put to great expense for military purposes in New Zealand, and therefore ought to have power to call upon the colonists to take steps to make fair and proper laws. If a choice were offered between doing so and the withdrawal of British soldiers from the colony, there could be no doubt as to the decision. He believed that oppression and injustice had been practised towards the natives of New Zealand, and that was a matter upon which this country had a right to express an opinion.

THE DUKE OF NEWCASTLE supposed that his noble Friend did not wish him to utter threats which he did not intend to carry out. The noble Earl had recommended him, if the colonists refused to correct certain faulty parts of their system, and declined to pass a law in accordance with his views, to withdraw all British soldiers from the colony. Judging from past experience, the colonists would refuse to act upon his demand; and if he carried out the threat, the inevitable consequence would be an internecine war between the settlers and the natives, which would excite the horror of the people of this country, and call down their indignation upon the Government which allowed such a state of things to occur.

*Motion agreed to.*

Bill read 2<sup>a</sup> accordingly, and committed to a Committee of the Whole House on Thursday next.

#### PUBLIC-HOUSES (SCOTLAND) ACTS AMENDMENT BILL—[BILL No. 96.]

Order of the Day for receiving the Report of the Amendments read.

LORD KINNAIRD moved, That the said Report be now received.

THE EARL OF MINTO moved, as an Amendment, that the Bill be re-committed. Their Lordships had not yet had an opportunity of discussing its principle, although the measure was one of great importance, and one that could stand alone. A large party considered that, in consequence of Forbes-Mackenzie's Act, there had been a great improvement in the habits of the people, and that there was much less intoxication. He (the Earl of Minto) believed, that if there was any improvement in that respect, it was among

those classes that were least affected by public-house legislation—the middle and higher classes. But his great objection to this sort of legislation was this, that whereas he admitted that some little good was done by making it difficult to purchase drink, the evils produced by this system were prodigious. In proportion as the law was carried out with vigour there arose a system of drinking in unlicensed houses, and houses of that kind sprang up, producing evils that it was hardly possible to calculate. The number of convictions was large, and many persons were fined and imprisoned; and he was told that soon after the Act came into effect it was found necessary, in more than one large town, to build a new gaol or a new set of rooms, to contain the additional prisoners. He had other objections to the Bill. Formerly the magistrates had power to mitigate the penalties, but under this Bill they would not have that power. Then, as the Bill now stood, there was no appeal from the decision of the magistrate. Another objection was, that the magistrate would have power to convict on the evidence of a single witness. If they passed this Bill, they would be following up a bad course of legislation, and he hoped that their Lordships would think twice before they agreed to it.

*Amendment moved*, to leave out from “That” to the end of the Motion, and insert “the House do now again resolve itself into a Committee on the said Bill.”

LORD KINNAIRD trusted their Lordships would not agree to the Motion of the noble Lord. This measure had been for two Sessions before the other House of Parliament, and had been referred to a Select Committee; it had been carefully considered and approved at county meetings in Scotland, and a great number of petitions had been presented in its favour; and on the Motion for going into Committee in their Lordships’ House it had also been fully discussed. The Bill, in fact, merely carried out the recommendations of a Royal Commission, which had been appointed because there were certain restrictions under the existing Act which were deemed to be oppressive. It was proved before the Commission that that Act had wrought great good, and led to a great diminution of drunkenness in Scotland; and it was now proposed to introduce

*The Earl of Minto*

into that country certain regulations for putting down the illicit sale of spirits which had been tried with advantage in England and Ireland.

LORD WODEHOUSE observed that the natural effect of the restriction which had been imposed by previous legislation on licensed houses was to encourage the sale of spirits in unlicensed houses. It now appeared that clubs were being formed in Scotland to enable parties to obtain refreshments on Sunday, and he could not help thinking some of the clauses in this Bill were directed against drinking in private houses. The Bill was not framed with the view of providing proper police regulations for public-houses, but to repress what the authors of the Bill considered the crime or sin of drunkenness. He greatly objected to giving to one magistrate the power of imposing penalties; and he also objected to the provisions regarding “shebeens.” He should support the Motion of his noble Friend (the Earl of Minto).

THE DUKE OF ARGYLL thought the speech of his noble Friend (the Earl of Minto) might have been all very well if directed against the principle of the Bill on the second reading; but he hoped their Lordships would not now be induced to retrace their steps and recommit the Bill. The main object of the Bill was to give power to make regulations to put down unlicensed houses. It also proposed to relax the law as it stood under the Forbes-Mackenzie Act, enabling hotel-keepers to provide excisable liquors for balls and parties. It was quite true that they could not make people moral by Act of Parliament, but neither could they make people healthy by Act of Parliament; yet they had passed most important measures for drainage and other sanitary improvements.

EARL GREY thought that the Bill should be recommitted, upon the ground that it instituted new and vexatious proceedings, and therefore required further consideration. Some of the clauses were most extraordinary. Clauses 17 and 18 proposed to suppress unlicensed trafficking in liquors, and then the following clause enacted that it should be considered sufficient proof of selling in an uncertificated house if any person other than the owner and occupier should be found drunk there. So that any person might be convicted who had the misfortune to invite a friend who got drunk to his house, provided any

person would swear that the place was reputed to be a "shebeen." Could there be a more extraordinary enactment? Another was still worse. Clause 20 enacted, that if one credible witness swore that he had reasonable ground for believing that liquors were trafficked in in a particular house, a single justice might issue a warrant to search the place; and if a quantity of spirits exceeding one gallon was found in it, the occupier was to be deemed a dealer in liquor. There was no investigation—the mere fact of finding the liquor and the evidence of one witness that he had reason to believe that a traffic in liquor was going on was sufficient. Now, supposing such a thing as that there was one justice in Argyll who was not very scrupulous, and somebody went before him, and said, "I believe trafficking in spirits is carried on in Inverary Castle;" the justice might issue a search warrant, and if more than a gallon of spirits were found there, it could be seized, his castle would be deemed a "shebeen," and his noble Friend would be convicted as a dealer in liquor. Some of the most mischievous powers of the Bill were given into the hands of one magistrate. He could not concur in the passing of the Bill with such a clause.

THE DUKE OF BUCCLEUCH hoped the House would not agree to the Amendment. So far from the Bill coming upon them by surprise, it had been before Parliament in two Sessions, and been discussed in every county meeting in Scotland, and at all those meetings an opinion favourable to its principle was pronounced. It was no mere fanciful or theoretical measure, but was founded on the Report of a Royal Commission, consisting of very able men, and presided over by Sir George Clerk. The Bill introduced no new law in Scotland, because at present, by the common law of that country, it was illegal to traffic in anything whatever on Sunday; and it was only by a decision of the Court of Session, in 1832, that persons were relieved from the penalties which attached to any violation of that law. The Sunday clause was drawn up, he believed, by the Board of Inland Revenue, while the shebeen clause was copied, but with considerable modifications, from the Irish Shebeen Act.

On Question, Whether the words proposed to be left out shall stand part of the Motion? their Lordships divided:

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*Resolved* in the *Affirmative*. The original Motion agreed to; the Amendments reported accordingly; Amendment moved and negatived; Amendments made; Bill to be read 3<sup>rd</sup> on Thursday next; and to be printed as amended [Bill 122].

## GAME LAWS, &amp;c.—NIGHT POACHING.

## MOTION FOR PAPERS.

LORD BERNERS rose to inquire if Her Majesty's Government are prepared to bring in any measure this Session to suppress the Evils of Night Poaching. He should on another occasion go into this question, but meanwhile he would remind their Lordships of the present prevalence of these offences and their great increase during the last year. He held in his hand a report of the number of poachers known to reside in the county of Leicester. The number was 927, of whom 144 had been convicted of felony, 54 had been charged with felony, and 525 had been previously convicted of poaching. By other returns from various counties it appeared that in the four months of the year from October 1st, 1860, to February 1st, 1861, there were twenty-nine murderous attacks upon keepers, 198 persons being concerned in those attacks; and in the three months from the 1st of October, 1861, to January, 1862, there were no fewer than 188 murderous attacks on keepers, 456 persons being engaged in them. Possibly these figures might not be quite correct; but at any rate, if they were even approximately correct, they showed a great increase in the prevalence of these crimes. It was against the privileges of this House to bring any arms into the House, but he had taken the liberty of putting in the robing-room two implements taken from poachers a short time since which would show how effective they were for the taking of game as well as for the destruction of life.

EARL GRANVILLE said, he was not able to give the noble Lord any other answer than that he had given a few nights ago, that it was not the intention of the Government to bring in a measure this Session for the suppression of night poaching, or for giving greater power to the police than they at present possessed with regard to poaching. He thought it was undesirable that the police should be made use of in the preservation of game, and it would be quite impossible that they should be so employed as to prevent attacks of this kind. With regard to the statistics which had been quoted by the noble Lord, it did not appear that persons engaged in poaching were habitually guilty of other crimes; for from a Return published by the other House he found that out of the whole number of persons convicted of

felony in England and Wales only one per cent had been previously convicted of offences against the game laws. This did not appear to coincide with the figures quoted by the noble Lord.

THE EARL OF DERBY said, he had listened with great regret to the answer of the noble Earl, and he assured the Government that this was not a question simply regarding the support or maintenance of the game laws, but that it was intimately connected with the peace of the rural districts and the amount of crime there. He could speak from his own experience on this point, having been obliged this year to prosecute to conviction three persons for murderous attacks upon his keepers. The weapons used were stones and pitchforks, and gangs of fourteen or fifteen persons were engaged in these attacks. One of the keepers was left for dead on the ground, and one of the poachers actually returned and stabbed him with a pitchfork as he was lying, in order to make his death more certain. The keeper, however, recovered from these dreadful injuries; but, he believed, the man who stabbed him was not ultimately convicted. The noble Earl said it was very undesirable that the police in counties should be mixed up with the preservation of game. Now, he did not wish that the police should be called upon to assist in the preservation of game, but he spoke with a knowledge of the facts when he said that in his own neighbourhood there were six or seven well-known and well-organized gangs of men, who had plenty of honest employment if they wished as colliers and labourers—they were not driven to poaching by necessity—but who preferred to collect in gangs of from six up to twenty men, armed with pitchforks and other weapons, and engage in night poaching. These men were well known to the police, who, if you mentioned one of their names, could tell you all his companions. They were often seen by the police with nets and with weapons, going out to engage in poaching. No possible doubt could exist as to their intentions, and the arms with which they were supplied showed that they were prepared to do something more than merely take game, and that they were also ready to take away life, if necessary, in the pursuit of game. In the morning they were again met by the police, laden with the produce of their night's toil. In one case which he had heard of, the poachers even had a

donkey cart, filled with rabbits, and they robbed an old woman's orchard of apples, with which they covered the rabbits in order to conceal them. The police saw these men going out night after night and returning morning after morning; yet, as the law now stood, or as the law was now interpreted, the police had no power to stop these men, and there were no means of preventing the forcible taking of game except by the use of corresponding force on the part of the keepers. It was lamentable that if a person wished to do that which the law authorized him to do—keep game upon his estate—he could do so by no other means than by maintaining in his employ a large armed force at the risk of nightly encounters and loss of life. Now, if the simple course recommended by his noble Friend were adopted—if the rural police were empowered to do what the metropolitan police now did—stop persons on the high road who were in possession of goods, of whatever description, which were believed to have been unlawfully obtained, and compel the persons so stopped to account satisfactorily for the possession of these goods, he ventured to say that, with the knowledge which the police had of all the persons connected with this trade—persons who carried it on as a regular trade, and who were in no distress whatever—nine-tenths of the poaching by armed gangs would be put a stop to. What was of more importance, also, was that the risk of constant encounters between armed bodies and those who were defending the property of their employers would be avoided. The noble Earl (Earl Granville) had alluded to the small number of poachers who had been convicted of other offences. He was not aware whence the noble Earl derived his information; but he was quite certain that throughout the country the general belief was, that persons who once took to poaching as a habit would not stop at poaching; and if they could not find game, the next thing they did was to steal poultry, and next break into houses. He believed that a vast number of petty robberies were committed by persons who in the first instance had connected themselves with these gangs; and he was satisfied that the measure which was in force in the metropolitan districts would, if extended to the rural districts, have a beneficial result upon the peace of the country—this being, as he said, of much greater importance than the preservation of any

amount of game. Not one in a hundred of the poachers throughout the country was driven to it by distress; but the men taken up for poaching were mostly idle and drunken persons, who were not fit objects for the public commiseration that was often bestowed upon them. The prevalence of gangs of this description had been attributed to over-preservation. He (the Earl of Derby) differed so far from that statement, that he felt satisfied that it was where preservation was only half carried out that poaching chiefly prevailed; and therefore persons who largely preserved, and had a large force of keepers, ran the risk of exposing their men to serious injury and loss of life, whereas persons who preserved only moderately gave encouragement to poachers to come upon their grounds. He felt sure that before long Her Majesty's Government would be called upon to provide a remedy for evils which had now become intolerable. The noble Earl would not deny that Her Majesty's Government had received the strongest representations from those most interested in the peace of the country—the heads of the constabulary and the rural police—not only as to the extent of the evil, but as to its connection with other crimes and irregularities in districts where poaching prevailed.

The EARL OF MALMESBURY need not say that he agreed in every word which had fallen from his noble Friend; and it was with the wish that this conviction should be forced upon their Lordships' attention by evidence that he now asked the question of which he had given notice, whether his noble Friend had any objection to the production of the Correspondence on the subject of Night Poaching that had taken place between the Secretary to the Home Department and the chief constables of counties in England? He understood that the chief constables had made a communication which was of great value; and he did not despair that the Government would sooner or later improve the law with respect to the preservation of game, by giving to the police in the county the same powers that they possessed in the metropolitan districts. His noble Friend opposite had said he did not think it desirable that the game laws should be carried out by the police hand-in-hand with the keepers, and in that he (the Earl of Malmesbury) perfectly agreed. But the police ought to have the same power that

they had now with regard to fisheries under the Salmon Fisheries Act which passed last year. That Act was now carried out by the agency of the police. There was no difference in principle between the preservation of fish and the preservation of game—both matters came under the same category; and therefore he did not think it was a good argument to say that the police should not interfere in the way proposed by his noble Friend behind him (Lord Berners), when they had been ordered to do so in the preservation of English fisheries.

Lord DELAMERE desired to draw their Lordships' attention to the fact that there were 270 new cases of poaching in the books of the Cheshire constabulary. Surely this was a case which required an immediate remedy. The law was broken, not by individuals for individual purposes, but by organized gangs, who subsisted by poaching, and this led to murderous conflicts. A remarkable document had been presented to the Government in the shape of a memorial, signed by twenty-eight chief constables of counties; and it was hard to over estimate the amount of collateral crime and misery which resulted from the infraction of the game laws. Of the crime the report could speak; but of the misery, alas! no report existed; but there was no noble Lord, no landowner, who did not know the amount of wretchedness which arose from this single cause. Not only were the poachers themselves a miserable body of men, but they often involved their unfortunate wives and children in the results of their crimes. The daily infraction of law was admitted, and surely the Legislature was bound either to repeal the law or to take such means as would render that law effective. One course was to give power to compel people who had game in their possession to show that they came honestly by it; and another was to compel persons who dealt in game to keep books, like dealers in marine stores. These regulations would make the trade of poaching more risky and less profitable, and in that proportion diminish crime.

EARL GRANVILLE was understood to say that there was no objection to produce the Correspondence asked for by the noble Earl. The figures he had quoted were taken from a Return that had been made to the House of Commons. The Government had no intention of opposing the introduction of the Bill referred to by the noble Lord (Lord Berners).

*The Earl of Malmesbury*

THE EARL OF MALMESBURY, accordingly moved an Address for—

"Copy of a Memorial addressed to the Secretary of State in December 1861, by the Chief Constables of Twenty-eight Counties in England and Wales, on the Subject of the Game Laws: And also,

"Copy of the Report of the Chief Constable of Huntingdonshire to the last Court of Quarter Sessions held for that County on the Subject of the Game Laws."

*Motion agreed to.*

#### GAME AMENDMENT BILL.

BILL PRESENTED. FIRST READING.

Lord BERNERS presented "A Bill further to amend the laws in England relative to Game."

Bill read 1<sup>st</sup> [Bill 123].

#### EAST GLOUCESTERSHIRE RAILWAY BILL.—CONTEMPT OF THIS HOUSE.

THE DUKE OF RICHMOND rose to bring under their Lordships' notice a case of contempt of their Lordships' House. It had been proved, before the Select Committee on the East Gloucestershire Railway Bill, that two persons, named Isaacs and Preston, had obtained a great number of signatures to a Petition against the proposed railway by telling the individuals, whose signatures they sought, that the Petition was in favour of the railway. Those two persons were placed in the witness-box and examined, when their conduct was such as to leave little doubt on the minds of the Committee that neither of them was speaking the truth, and that they had procured signatures by the false pretence which he had described. The evidence taken by the Committee had been printed, in order to be laid before their Lordships, and he would therefore now move that the two persons whom he had named be ordered to attend at the Bar of their Lordships' House on Thursday next.

#### Ordered,

That William Isaacs, Clerk to Mr. Boodle, Solicitor at Cheltenham, and John Preston, Town Crier at Cheltenham, do attend at the Bar of this House on Thursday next, at Four o'Clock, in reference to their Conduct with regard to the Signatures to the Petition of Barbara Robinson and others, of Cheltenham, presented on the 22nd of May last, praying to be heard by Counsel against the "East Gloucestershire Railway Bill."

House adjourned at Eight o'clock,  
to Thursday next, half-past  
Ten o'clock.

H O U S E O F C O M M O N S ,  
 Tuesday June 24, 1862.

MINUTES.] — PUBLIC BILLS. — 1<sup>o</sup> Lunatics Law Amendment; Newspapers, &c.; Affirmations; Endowed Schools; Fortifications (Provision for Expenses).  
 2<sup>o</sup> Consolidated Fund (£10,000,000).  
 3<sup>o</sup> Industrial and Provident Societies.

POLICE AND IMPROVEMENT (SCOTLAND) BILL—[BILL NO. 133.]  
 COMMITTEE.

Order for Committee read.  
 House in Committee.

Clauses 1 and 2 *agreed to*.

Clause 3 (Interpretation Clause).

MR. CRUM-EWING said, he wished to move the insertion of words providing that in any burghs in which commissioners of the police were elected by occupiers of land and premises of a yearly value below £10, the word householder should mean a male occupier of lands and premises of the yearly value required in such burgh for the election of police commissioners.

Amendment *negatived*.

Clause *agreed to*.

Clauses 4 to 14 also *agreed to*.

Clause 15 (Parties who may adopt Act).

SIR MICHAEL STEWART said, he would take that opportunity of expressing his opinion of the general scope of the measure, to which he entertained strong objections. He believed, however, that the Bill would never pass into a law. He did not oppose going into Committee on it, because he feared he should not be supported. But some of the provisions of this Bill of nearly 500 clauses were monstrous; many of them were nonsensical. His main objection was that it tied hand and foot the proprietors of land and occupiers of houses, and placed them at the mercy of a body of commissioners and magistrates. The only hope was that those commissioners who had to carry the Act into effect would have the good sense not to put in force many of the clauses.

THE LORD ADVOCATE said, he could only account for the strong expressions of the hon. Member, by supposing that he had not read all the clauses of the Bill. The measure, he believed, would be fraught with the greatest benefit to Scotland in a sanitary point of view. A Police Act was passed in 1850, relating to the same matters; that Bill contained 350

clauses; but some of its machinery was found difficult of adoption. The present Act was an improvement and consolidation of that measure. The Bill had been very carefully gone over, and he believed was generally approved by the Scotch boroughs. If the hon. Member objected to any of the clauses, he hoped he would state what those objections were to the Committee.

MR. DUNLOP said, he approved of the Bill generally, though he felt that some objections might be made to it. One of those objections was, that the £5 householders were not to have the right to vote.

SIR MICHAEL STEWART said, he believed the Bill had not yet been generally read in Scotland, and that as it became better understood, a strong opposition to it would arise.

MR. ELLICE (Kilmarnock) said, the Bill had been sent round to all the boroughs of Scotland, and he believed that no objection had been raised in any quarter to the Bill generally. There had been objections to matter of detail; but in most cases those objections had been met on representations being made to the Lord Advocate. On the whole, the Bill would prove of great advantage.

Clause *agreed to*; as were also Clauses 16 and 17.

Clause 18 (Where this Act adopted, other Acts repealed).

MR. CRAUFURD said, he had such a strong objection to the clause, that if any Member would move its omission he would support him.

THE LORD ADVOCATE said, the clause was precisely the same as the clause on the same subject in the Act of 1850.

Clause *agreed to*; as were also Clauses 19 to 83.

Clause 84 (Commissioners to make Police Assessment).

MR. BLACK said, he objected to the clause as it stood, as it would prevent the Bill working in Edinburgh. Under the existing system, the magistrates of Edinburgh were in the habit of levying one rate on rentals above £10, and a lower rate on rentals less than £10. The clause however, would compel them to levy the same rate upon all. He hoped, therefore, that the learned Lord Advocate would accept the following Amendment:—

“Provided further, when in any burgh, under the provisions of any Police Act, a higher rate of assessment is now and has been in use to be

levied upon lands and tenements above a certain fixed rent than upon lower rented lands and tenements, it shall be in the power of the Commissioners, in laying on the assessment under this Act, to continue the same relative rates of assessment, if they think proper."

MR. BLACKBURN said, he thought that a graduated scale of rating was objectionable in principle.

THE LORD ADVOCATE said, the graduated scale in Edinburgh was fixed by Act of Parliament. He would accept the Amendment.

Clause agreed to; as were also Clauses 85 to 87.

Clause 88 (Commissioners may grant relief from Police Assessment in case of Poverty.)

MR. CRUM-EWING proposed, in page 31, line 22, after the word "may," to insert the words "if they think fit, exempt from the police assessment under this Act all premises which shall be let at a rent not exceeding £3, or such lower sum as they may fix for that purpose; and in respect to premises let at any higher rent, they may also—"

THE LORD ADVOCATE said, that the matter had been fully considered at the private meeting of Scotch Members, who discussed the clauses of the Bill, and he believed they were almost unanimous in agreeing to the principle laid down in Clause 87, which gave the power to the commissioners to levy from the owners, and to allow them a reduction of one-fourth of the assessment.

MR. CRAUFURD said, he should support the Amendment of his hon. Friend, on the ground that the clause, as it at present stood, took away from the commissioners the discretion which they now had of exempting certain property from taxation, for police purposes, which in their opinion ought not to be assessed.

THE LORD ADVOCATE said, the effect of the Amendment would be to benefit the owner, not the occupier. The occupier might be exempted, but it was well known that in the long run such exemptions only caused the rents to be increased.

MR. CAIRD would suggest that the exercise of the power of assessment in Clause 87 should be made imperative and not optional; and if that change were made, he thought it would be sufficient.

MR. DUNLOP said, he should be satisfied if that change were made.

THE LORD ADVOCATE said, he had no objection to make the alteration.

*Mr. Black*

MR. CRUM-EWING said, he should press his Amendment.

Question put, "That those words be there inserted."

The Committee divided: — Ayes 6; Noes 54: Majority 48.

Clause agreed to.

Clauses 89 to 177 also agreed to.

Clause 178 (Width of new Streets).

SIR MICHAEL STEWART said, the clause appeared to him most objectionable. It provided that no house should be built higher than the width of the street.

THE LORD ADVOCATE said, he would consent to have the clause struck out.

Clause struck out.

Clauses 179 to 181 agreed to.

Clause 182 (Removal of Toll Bars within Burgh).

THE LORD ADVOCATE proposed to leave out this clause.

MR. DUNLOP said, rather than leave out the clause he wished that it should be amended by providing that no contract for the removal of a toll-bar should be valid unless agreed to at a general meeting of trustees, and confirmed at another meeting; and that when a toll-bar had been re-erected, the same tolls should be levied as were levied before its removal.

Clause, as amended, agreed to.

Clauses 183 to 193 likewise agreed to.

Clause 194 omitted.

Clauses 195 to 229 agreed to.

THE LORD ADVOCATE said, he would move that the clauses from 230 to 242, inclusive, be struck out. They gave power to the Commissioners to purchase and lease gasworks and manufacture and supply gas.

SIR JOHN OGILVY opposed the omission.

Clauses struck out.

Remaining clauses agreed to.

SIR JAMES FERGUSSON said, he proposed to add a clause after Clause 14, providing that where the Act shall be adopted within a portion only of the territory comprehended within the Parliamentary or municipal boundaries of any burgh, the commissioners of supply of the county may petition the sheriff for extension of boundaries, so as to make the place affected by the Act co-extensive with the Parliamentary or municipal boundaries of the said burgh.

**THE LORD ADVOCATE** said, he could not consent to the clause, as it was generally objected to by the burghs.

*Clause brought up, and read 1°.*

Question put, "That the Clause be read a second time."

The Committee divided : — Ayes 30 ; Noes 44 : Majority 14.

*House resumed.*

*Bill reported ; as amended, to be considered on Monday next.*

#### THE GERMAN LEGION AT THE CAPE.

QUESTION.

**GENERAL PEEL** said, he wished to ask the Secretary of State for War, Under what circumstances the sum of £19,385 15s. 3d. was paid to the German Military Settlers at the Cape of Good Hope during the financial year 1860-1, which sum was not provided for by Parliament, and which was stated at page 4 of the Detailed Account of the Receipt and Expenditure of Army and Militia Services of that year to be one of the causes of the excess of expenditure on Vote 3 ?

**SIR GEORGE LEWIS** said, that the sum to which the right hon. and gallant Member referred was made up of excesses on Votes for the Land Forces in the year in question, which were transferred under the authority of the Treasury.

**GENERAL PEEL** said, that his question referred, not to the authority, but to the circumstances under which the payment had been made.

**SIR GEORGE LEWIS** said, that as the payment was not made while he was Secretary for War, he was not master of the circumstances. He would inform himself of them, and would then answer the question of the right hon. and gallant Member.

#### THE CORONERSHIP FOR MIDDLESEX.

QUESTION.

**MR. BRADY** said, he would beg to ask the Secretary of State for the Home Department, When the Writs for the Election of Coroners for Middlesex will be issued ?

**SIR GEORGE GREY** said, that only one application had been made for the issue of a Writ—namely, for the central district of Middlesex. That Writ had been issued that afternoon.

#### EXPENSE OF PRIVATE BILLS.

QUESTION.

**MR. R. HODGSON** said, he wished to ask the Chairman of the Committee on Standing Orders, Whether he intends to move for the appointment of a Committee for the purpose of ascertaining whether any alteration can be made in the conduct of Private Business, so as to diminish the expense now incurred by Promoters and Opponents of Private Bills ?

**COLONEL WILSON PATTEN** : Sir, it is my intention to move for a Select Committee to revise the Standing Orders of the House ; and if the House accede to my proposition, I intend to propose certain Resolutions connected with the Standing Orders which will have the effect of reducing some of the expenses of private legislation in this House. There are other expenses incurred in private legislation before Parliament which have no reference to Standing Orders. I am not in a position to investigate that subject, inasmuch as certain Returns which I moved for at the early part of the Session have not yet been furnished. Perhaps I may take this opportunity of giving notice to my right hon. Friend the President of the Board of Trade that on to-morrow I shall ask him why the Returns having reference to the expenses incurred by Railways and other Companies in private legislation have not sooner been furnished to the House.

**MR. HADFIELD** said, he would beg to ask whether the contemplated changes would include any diminution of fees to the Officers of the House ?

**COLONEL WILSON PATTEN** : Some of the fees are dependent on the Standing Orders of this House, which will be under the cognizance of the Committee I shall have the honour to move for. But there are other fees which can only be investigated by a Committee having the power of examining into the whole question.

**MR. AUGUSTUS SMITH** asked whether the hon. Gentleman intended to move for the Committee this Session ?

**COLONEL WILSON PATTEN** : I shall give notice this evening of my intention to move on Thursday.

#### FOREST LANDS.—QUESTION.

**MR. TORRENS** said, he rose to ask the Secretary to the Treasury, What steps have been taken by Her Majesty's Government to preserve the rights of pasture,

cutting wood, recreation, and any other rights long enjoyed by the poorer foresters and the public in the various parcels of land wherein the rights of the Crown are reported to have been sold by the Commissioners of Woods and Forests within the Forests of Epping, Woodford, Waltham, and Wanstead, in the several Reports of 1856, 1857, 1858, 1859, 1860, and 1861, more especially in the following five Lots, —namely, one Lot of 434 acres, sold on the 1st of August, 1856, to one individual, for £1,891; one Lot of 325 acres, sold on the 17th of April, 1857, to two individuals, for £1,353; one Lot of 695 acres, sold on November 25th, 1858, for £3,349 to one individual; one Lot of 168 acres, sold on the 14th of January, 1859, to one individual, for £900; and one Lot of 1,377 acres, sold June 22nd, 1860, to one individual, for £5,468? And if no steps have been taken for the preservation of the rights referred to, will the Government undertake to do so?

MR. PEEL said, the rights which had been sold were altogether forestal rights connected with deer, and were transferred to the owners with the lands out of which they arose. Supposing the rights to have any existence, the Government had taken no steps to extinguish them; neither had they taken any measures to ascertain their existence. The Government had acted throughout under the advice of the Law Officers of the Crown.

MR. TORRENS said, he wished to know whether they were now prepared to take any steps which might be necessary for the preservation of those rights.

MR. PEEL said, he did not believe that any such steps were in contemplation.

#### ECCLESIASTICAL COMMISSION.

RETURN MOVED FOR.

MR. HOPWOOD said, he rose to move for a Return of Grants, &c., by the Ecclesiastical Commissioners in the year 1861. He had put a similar notice on the paper a month ago, but abstained from pressing it then, in consequence of a representation made to him that it would occasion considerable inconvenience.

SIR GEORGE GREY said, he hoped the Motion would not be pressed. A Committee was now sitting, within the scope of whose inquiry the information asked for clearly came; and until that Committee made its Report, it was undesirable to call for such voluminous Returns.

*Mr. Torrens*

MR. SOTHERON ESTCOURT said, it was rather hard on his hon. Friend, who had given notice of his Motion a month ago, to get such an unsatisfactory reply.

SIR GEORGE GREY said, he had explained at the time to the hon. Member that the request for delay was made in consequence of a communication from the Earl of Chichester, the Chairman of the Commission.

MR. SOTHERON ESTCOURT said, that in his opinion the information asked for was very valuable, and that the House ought to insist upon any return which could throw light on the proceedings of the Ecclesiastical Commission. He hoped some assurance would be given by the Government, that when the plea of inconvenience no longer held good, the Returns would be granted.

MR. CARDWELL said, there was not the smallest desire to withhold any information. It was simply a question whether the trouble and expense of printing these Returns separately ought to be incurred, when they might be included in the proceedings of the Committee.

MR. HOPWOOD said, that he scarcely felt inclined to withdraw his Motion. Some of the information asked for in the Returns, especially with regard to the order of necessity in the judgment of the Commissioners, would be very valuable. Many gentlemen would be glad to offer large benefactions if they knew what was likely to become of them. On those points the Report of the Commissioners was not at all satisfactory.

MR. AUGUSTUS SMITH said, that he hoped the Government would not decline to grant the Returns. A great deal had been said about the expense of printing Returns; but when the matter was looked into last year, it was found to be comparatively a trifle.

SIR GEORGE LEWIS said, the matter stood thus. The House having appointed a Select Committee to inquire into the whole question of the Ecclesiastical Commission, the question was, whether they would order the Returns before the Report of that Committee was presented. The Committee might probably be already in possession of the information required, or of such information as might render the Returns unnecessary. The usual course was, when a Committee was appointed, to abstain from inquiry until the Report was presented.

MR. HADFIELD said, that he sup-

ported the Motion, and would support any Motion calculated to enlighten the minds of the Church party, and stimulate their zeal.

MR. KINNAIRD said, that he, as a member of the Committee, was under the impression that the information asked for would be found in the evidence given before the Committee, which would shortly be published.

MAJOR EDWARDS said, that he hoped his hon. Friend would insist on the Motion. There were large charities belonging to the borough he had the honour to represent, and an impression existed that they were not fairly distributed. The fact was they were under the management of one party.

MR. DEEDES said, that observations had frequently been made in that House as to the expense of the Commission. A great deal of outlay was incurred by the preparation of returns, which, when furnished, were never made use of, or found to be of the slightest value. It was for the House to determine whether they would refuse returns of the kind, which required a great deal of time and attention to prepare, and which were attended with considerable expense. He hoped the House would not assent to the Motion of his hon. Friend.

Return ordered, "of Grants, &c. for 1861, by the Ecclesiastical Commissioners, as follows:—

| Name of Benefice or District. | County. | Diocese. | Population. | Area. | Average net value prior to Grant. |            |       |            |        | Offered Benefaction met or not met. | Grant to meet Benefaction. | Grant made without Benefaction being offered. | Number indicating order of necessity in the judgment of Commissioners. | Reasons for refusing to meet Benefaction. |
|-------------------------------|---------|----------|-------------|-------|-----------------------------------|------------|-------|------------|--------|-------------------------------------|----------------------------|-----------------------------------------------|------------------------------------------------------------------------|-------------------------------------------|
|                               |         |          |             |       | Endowment.                        | Pew Rents. | Fees. | Parsonage. | Total. |                                     |                            |                                               |                                                                        |                                           |
|                               |         |          |             |       |                                   |            |       |            |        |                                     |                            |                                               |                                                                        |                                           |

#### CHURCH RATES.—RESOLUTION.

MR. SOTHERON ESTCOURT said, that he rose for the purpose of submitting to the House certain propositions by which he thought the law relating to church rates might be beneficially settled. He had been under the impression that it would not be competent to him to move the Resolution of which he had given notice without going through the preliminary form of moving that the House resolve itself into a Committee; but, understanding from good authority that no such preliminary step was necessary, he believed it would be more convenient to the House that he should move his substantive Resolution while the Speaker was in the chair. He hoped the House would permit him to preface his Motion by a few observations, seeing that he was engaged in the dangerous task of endeavouring to make peace between contending parties. He was blamed on both sides. He was blamed by those who thought it was indiscreet on his part to move in this matter again during the pre-

sent Session. Those persons said, "You have gained a certain amount of success; why are you not contented with it?" On the other hand, it was said, "Why do you proceed to push your advantage in an unfair manner? Why do you by this Resolution, which you allege to be conceived in a conciliatory spirit, endeavour to continue evils which you pretend to remove?" Those representations came from two perfectly distinct and different parties in that House, from neither of whom he expected sympathy or aid; but he thought, on the one hand, it was impossible for Parliament to allow the law relating to church rates to remain exactly in its present position, and, on the other hand, he thought Parliament was not likely ever to consent to the settlement proposed by some hon. Gentlemen in that House—namely, the total abolition of church rates. Under those circumstances he ventured once more to ask the attention of the House, while he endeavoured to show that the proposition which he was about to have the honour to submit to them was a step in the same direction as that taken by him some six weeks ago, when they were

good enough to sanction his proposal. As he understood it, the differences that existed on the subject of church rates was this :—The Nonconformist complained that he was expected and required voluntarily to give his vote for the levy of money in a case where he contended he had no interest in the outlay. The grievance of the Church was this :—That whereas, undeniably, there was a charge on the property of this country to perform certain obligations, the machinery which the law allowed for giving effect to that obligation was often illusory, and in some cases incapable of being put in practice, and that, under all the circumstances, the duty was not performed in a satisfactory manner. What were the means which had been suggested for the removal of those grievances? There was, in the first place, a proposal—satisfactory in one sense—to substitute for church rates a fixed payment chargeable on property ; but, judging from the little progress made with the Bill of the hon. Member for Warwickshire (Mr. Newdegate), he did not think there was any inclination on the part of the House to adopt a scheme of that kind. His own wish was to make as little change as possible, and, for that reason, he would rather try whether they could not improve the existing machinery. Another plan was to provide resources for the maintenance of the fabrics by means of pew-rents. That was met by the objection that it was the glory of the English Church to give every one a right to enter the building in which its services were performed without being subjected to payment. He was as much averse as any one could be to charging a poor man for a seat in a church ; but he could not disguise from himself the fact of its being found in practice that pew-rents were a great convenience in a large number of churches, and he was going to say in every subsidiary chapel in this country, as a means of maintaining the fabric of the church or chapel. The incumbent of a church in one of the large manufacturing towns, where no church rates were levied, wrote to him stating that there were in his neighbourhood four episcopal chapels maintained by pew-rents, while no one could tell how the mother church was maintained. The writer was unable to raise money by pew-rents, and, consequently, was placed at a great disadvantage. He further observed, that pew-rents being permitted in some rich parishes, poorer ones ought not to be spoken of in a disparaging tone when they asked for the enjoyment of a similar

advantage ; and he remarked that responsible seat-holders ought to be required either to pay for their seats or to relinquish them. Admitting the force of much that was said in favour of such a system, he was not himself in favour of pew-rents, and for this reason, because while in a large parish there was necessarily a great inequality in the position of the parishioners, pew-rents would impose an equal contribution. In a large parish all the occupants of the different pews were virtually on an equality, and to call on them to pay the same sum appeared perfectly fair ; but in a country parish there would be the squire and half-a-dozen great farmers, and all the rest would be poor men. In such a parish the payment by pew-rents would obviously fall most unequally. Though he very much deprecated the introduction of the principle of pew-rents, yet he must say, on the other hand, that in town parishes, and in places where a system of pew-rents had been devised by the inhabitants for their own use, and where no objection was taken to this mode of raising the necessary funds year after year, he did not see any good reason for taking any step to hinder those parishes from managing their own concerns in the way most convenient to themselves. The vice of an Amendment which it was intended to move to his Resolutions was that it was not universally applicable, and he did not think that it would be acceptable to the House as a substitute for a universal charge equally applicable to all parties. A third means by which it was suggested necessary funds could be provided consisted in a voluntary rate. A great deal was to be said in favour of a voluntary rate ; but the objection to it was, that it would substitute for an ancient charge, applicable in one sense or other to all property, a resource, which might be universal in its application, but with respect to which there could be no certainty that its application really would be universal. Such a voluntary rate was open to two objections. One was that with the best intentions and arrangements, when the voluntary rate came to be applied to the same population, such as was to be found in a country parish, the drawing of a line of distinction between Dissenters and Churchmen could not be avoided. Another objection was that in small parishes there would be a chance that no funds would be raised at all. Let them take the case of a parish where there were half-a-dozen farmers who looked care-

fully after every shilling they were called on to pay. One of them, perhaps, never went to church, and refused to pay the rate. His neighbour might not be a very religious man, but still accustomed to go to church ; yet he might alter this habit when he saw that his pecuniary interest lay apparently in the direction of the neglect of religious services. The more he thought upon the subject, the more he was persuaded that the only mode by which the voluntary rate ought to be instituted by that House was by putting it on such a footing as to exempt persons from the obligation of paying, whether Churchmen or Dissenters. A great deal had been said in the course of last Session about personal exemption, but the plan he now offered to the acceptance of the House was, he thought, an improvement upon that proposal. He wished that every occupier should be exempt from the obligation of paying the rate, and that the refusal to pay should imply nothing as to the opinions which the person refusing might entertain. He started with the proposition that the present law should be altered and that the rate should be purely voluntary ; but he thought, that at the same time, the House should make provision for the sustentation of the Churches in cases where the voluntary rate should prove insufficient for its purpose. There was only one way by which, in his opinion, this latter object could be effected, and that was by charging the owners of property instead of the occupiers. This was no new scheme, but was one referred to by the Select Committee of the other House in their Report. It was true that the Committee did not virtually recommend it ; but they said, however, that it was worthy of the attention of Parliament. He had received on this subject a number of letters in which the writers said, that as the owners of property constituted a smaller amount of persons than the occupiers, their object was merely to diminish the number of discontented persons. This was not the case. What he sought to have affirmed was a principle, which he thought intelligible and easy to work. No one disputed that payments made by occupiers were outgoings taken into account when houses or lands were leased, and his proposition amounted to this, that that should be done directly which at present was done indirectly. The only point of difficulty was how to devise the machinery by which the owners might be collected together and

their opinion taken as to whether or not they would pay church rates. His object on the present occasion was to ascertain the opinion of the House on the proposed substitution of owners for occupiers, without calling for a decision with regard to the mere details of machinery. He asked the House to affirm the principle that the rate should be purely voluntary ; that the rate, being voluntary, should also be adequate to discharge the parochial obligation ; and that the churchwardens should have power to make an appeal to the owners of property to provide necessary funds. He did not desire the House, in agreeing to his Resolution, to affirm anything more than the main question and the principle involved in it. What would be the position of parishes if his Resolution were adopted ? No change would, in fact, take place in the form and machinery now familiar to the public. In parishes where church rates were now voted they would be voted still. In parishes where no church rates were levied the same objection would probably continue to be manifested. The owners would probably refuse, in the same way that the occupiers now did, to vote the sum required. It was one of the great advantages of the alteration he proposed that it would require no change of machinery. The only difference would be that the rate which was now enforced could not then be recovered. It would then be in the power of the parochial authorities, if they thought proper, not only to raise the amount required by voluntary subscription, but to make an appeal to the owners of property in the parish. What would each party lose and gain ? The Churchman would give up a law which he should be almost justified in asserting to be perfectly inoperative at the present moment—a law enforced by a process so difficult, laborious, and uncertain that it scarcely once led to a legal result. The Churchman would retain the principle which he held in common with him, and which he trusted the House would never give up—namely, that it was a duty incumbent upon the owners of property to maintain the means of public worship, and to take care that their poorer neighbours had the opportunity of attending Divine service. The Churchman would also gain this—that the compulsory rate would be confined to the owners of property, and that the rate levied upon them would be collectable by the proper officers, which was not the case with the present rate. The

Nonconformist, on the other hand, would give up the untenable position that he had no common interest in the maintenance of the fabric of the church and the preservation of the churchyard. What did the Nonconformist gain? Exemption of the great body of occupiers in this country from all penal consequences whether they paid church rates or not. He knew how strong a feeling was excited by allusions to religious scruples or constitutional principles, and he also knew that these two great moving principles were very much interested in the solution of this question. But what better or more favourable result could either party hope for than that which he now proposed? Parliament, in the present case, seemed to him to be a court of arbitration between contending parties. The arrangement that would be assented to would therefore be in the nature of an award with which neither party would probably be altogether satisfied. No scheme would be acceptable to persons of extreme views, except that which gave an entire victory to one side or the other. There were, however, many gentlemen both in and out of Parliament who were most anxious that this matter should be settled, and who were, he believed, ready to listen to any fair terms of settlement. He had read many pamphlets and received many letters on this subject. The writers had not, however, suggested any plan that was not open to grave objections, and he was certain that not one of the plans that had hitherto been before the public would receive the sanction of the House. A settlement of this question, to be permanent, must be applicable to every part of the kingdom, and hon. Members would do well to examine, as he had done, what was going on in different parishes by arrangements between the parishioners. Of course, if he were to be responsible for his Resolution, the whole of it must be passed in its integrity. If the House took away one part and altered another, the Resolution would no longer be his. He was not willing, for instance, to charge the owner with a liability unless the House made the rate a voluntary one. Nor, on the other hand, was he willing to make the rate voluntary unless the House gave him a power to go to the owner to discharge the liability if necessary. It might be said that his proposal was a compromise and a concession, and therefore hateful and objectionable. A compromise of doctrine or principle was, no doubt, treason and heresy, and a thing

not to be thought of. But this was a question of pounds, shillings, and pence. It did not deal with the Church as a spiritual and moral agent, but only provided for the actual sustentation of the Church in its services. A compromise in such a matter was therefore not only pardonable, but the only solution that was likely to receive the sanction of Parliament. He did not regret that at the present late period of the Session he had done his best to offer to the House a mode of settling this question, which at a future time could be worked out in a measure which might then receive the sanction of Parliament. If he had it in his power to carry his Resolution by a bare majority, he should decline to do so. It was by the general consent, not only of the large body of Members of that House, but of the country at large, that this long-contested question could alone be settled. He ventured therefore to lay before the House a plan, which might not receive their assent, but which, at all events, would be talked about in the country; and if the country did not approve it, a better plan might be suggested. He offered it honestly, as affording a settlement which, in his opinion, could not be objected to on one side or the other. He would not despair of success if people were to fix their eyes on the main consideration—namely, how to remove the grievances complained of, on the one hand by the Nonconformists, on the other by the Church. When he asked Churchmen to give way, it was because he asked Nonconformists to give way also. What was said in country parishes now? "I will resist the rate to the last, because I see no concession made on the other side." He was most anxious to restore that harmony which in so many parishes was disturbed by the church rate question. He knew that clergymen were as anxious to see that done as any Member of that House. How could that result be arrived at? By discussing the matter. Nothing did more harm, or set neighbours against neighbours more, than the long-unsettled state of the question. He did not know whether the hon. Gentleman opposite (Mr. Hodgkinson), or his hon. Friend near him (Mr. Heygate), would think it necessary to divide on the subject; he could not but think their object would be attained by discussion. However, he for one could not consent to adopt a portion only of his Resolution, and he hoped it would be taken as a whole. Thanking the House for the

attention with which he had been heard, he begged, with some confidence, to submit the Resolutions to the House of which he had given notice :—

**Motion made, and Question proposed,**

" That the Law relating to Church Rates may be beneficially settled by combining in one measure provisions for each of the following objects :

" 1. To enable vestries specially summoned, and in which owners shall have a vote by proxy, to transfer from occupiers to owners so much of their liability as regards the repair of their Parish Church and Churchyard ; and to make such special Rate, if voted by a majority, recoverable by the same process as a Rate for repairs of Highways."

**SIR STAFFORD NORTHCOTE** begged to second the Motion.

**MR. HODGKINSON** (who had given notice of the following Amendment :—

To leave out all the words after the figure 1, and to add the following words : To authorize the levy of a rate or rent in respect of the appropriated portion of seats in churches, but so that no appropriation of seats in any church shall be made to a greater extent than now actually exists")

said, that he thought the House would agree with him that the right hon. Gentleman opposite had brought this question forward in a fair and conciliatory spirit—he gave credit to the right hon. Gentleman for being one of those true friends of the Church who wished to see this question settled, even at some sacrifice of his own individual opinion ; but he was sorry to say there were many, and some of them claiming to be champions of the Church, who would rather see the peace of the Church continually disturbed than by any concession, however small, promote the settlement of a question which afforded a convenient election war-cry, and a strong rallying-point in the conflict of party. He yielded to no Member in that House in his attachment to the Church of England, of which he was a Member ; but he could not find it consistent with his convictions to show that attachment in the same manner in which some hon. Gentlemen did. He must, however, dispute the proposition that church rates were a charge upon the real property of the country. A habit was springing up in debates upon this subject of evading the real issue, and of discussing the subject, not on its own merits, but with reference to the programme of the Liberation Society. There was no doubt that this cause had done much to frighten timid people out of their property. But were they to be deterred from doing

what they considered right and just, simply because there were some persons to be found who coupled with that right and justice other measures to which objections might fairly be made—objections not depending upon the same principle as the objections to that measure which they believed to be right ? It seemed to him that this question ought to be settled without any reference whatever to the Society to which he had alluded, and which he believed had very few supporters even upon that side of the House. In the Resolution of the right hon. Gentleman, which he stated should be treated as a whole, they had, as it seemed to him, two principles enunciated which were decidedly opposed to one another. The right hon. Gentleman first proposed to sanction the abolition of all compulsory process to recover payment of church rates, making church rates a voluntary tax, and he next proposed to give additional facilities for the collection of the voluntary rates. In those two parts of the Resolution he entirely agreed, and he did not believe that for the sake of a mere party victory Members on that side of the House would object to the right hon. Gentleman settling this question upon the basis of the two first branches of his Resolution. But the right hon. Gentleman would do away with the whole of the virtue of those propositions, for he proposed, in the other part of his Resolution, to re-enact church rates with additional stringency in compelling payment, and without any exemption in the case of dissenters. It was proposed also that owners as well as occupiers should vote at the vestry meetings, sanctioning the objectionable principle that a person who was not to bear any share in the payment of the tax should have the power of taxing others. He gathered from the speech of the right hon. Gentleman that he had no objection to the principle of the Amendment, and that he would not resist it if it appeared as an addition to instead of as a substitute for the third Resolution. When the right hon. Gentleman first gave his notice, it included much the same thing that the Amendment now proposed. At that time, he simply gave notice to move an omission of the fourth Resolution, which now appeared as the third; and it seemed to him, that if the first two Resolutions, together with the Amendment, were adopted, no injustice would be really done to any one, and certainly no injustice would be done to those who dissented from the Church.

The principle of the Amendment was that it was advisable to enable the Church to levy a rate upon appropriated seats in each Church, in aid of the maintenance of the fabric and services of the Church. He knew that there was a very strong feeling upon the subject, that great objections were entertained to such a proposition, especially when it was called a seat rent, and he proposed, therefore, to call it a seat rate. A petition had lately been presented in reference to the subject, and with all the reasons therein assigned he entirely concurred. He was not an advocate for the appropriation of seats in churches. He approved of the objects of the society which had petitioned. But the society had been in existence some time, and what had they done? Did any hon. Gentleman believe that it, or any other society, would do away with the appropriation of seats in the parish churches? He should be very glad to assist them in that object, but he very much doubted whether they would meet with any success. But if they could not cure the evil, it was certainly open to them to extract some good from it, and he had expressly guarded the Amendment from any extended appropriation of seats. That society, then, and hon. Gentlemen who thought with it, ought to support him, because they found that the appropriation of seats was increasing day by day, and what he proposed would put an end to the further progress of the evil. Almost throughout the metropolis the parish churches were parcelled out in seats, and a rent was exacted for the accommodation those seats afforded, and they found that that rent did not always go to the support of the church or the service of the church; but people who held seats were allowed to let them to others, and the churchwardens had not the power, or at all events the courage, to put an end to that state of things. In some cases in the country, persons having a preferential right to seats paid a rent for those seats, and the fabric of the church was maintained in that way instead of by church rates. The parish church of Bolton, for instance, was restored by voluntary contribution; but instead of asking for a church rate a certain portion of the seats were subjected to a seat rate, and in the last year £300 15s. was the amount raised from seat rates, and that was a fund sufficient for the ordinary repairs of the fabric and for those other purposes for which church rates

were appropriated. But did hon. Gentlemen suppose, that if this plan were adopted, the present extent of the appropriation of seats would continue? There were, no doubt, many persons now who, having a preferential right to seats, retained them simply because it cost them nothing to remain. These seats were, perhaps, empty fifty-one weeks out of the fifty-two, and the poor parishioners were excluded from them; whereas if they adopted the system of seat rates, those persons would give up the seats, and they would be available for others. He understood that it was not the intention of the right hon. Gentleman to divide the House upon his proposition, and under these circumstances he would abstain from moving the Amendment of which he had given notice.

MR. BUXTON said, that he regretted that the right hon. Gentleman had felt it necessary to move the first of his Resolutions, as the second and third would have carried out the desire for compromise which had been freely expressed, and would have effected a settlement of this disputed question. He believed that some such settlement would ultimately be agreed upon. While relieving the consciences of Dissenters, and putting an end to every practical grievance—because any one who deemed the system a grievance would be relieved from payment of the impost—it would at the same time avoid any sacrifice of principle on the part of conscientious Churchmen, or anything that could damage the position of the Church of England, all the existing machinery being retained. He thought they had practical proof, that if the present system were done away with, the churches of this country would be maintained as well as they were now, for there was scarcely any instance in which church rates had been enforced of late. There was almost invariably something illegal in the way in which the rates were levied, and which could not be sustained if any one objected to pay them. His own persuasion was, that to adopt such a compromise as he had suggested would tend greatly to increase a feeling of interest in their parish churches on the part of the people. They would learn to regard them as something in which they had a personal interest—as something which it remained with them to determine whether they should be allowed to fall into decay, or whether they should be handed down to their posterity intact. With regard to pew rents,

*Mr. Hodgkinson*

he knew something of the feelings of working men, and he felt no doubt that what induced many respectable workmen to go to chapels was that in them they could take seats to which they might bring their families, and feel as independent as any gentleman did in his pew in the parish church. If there existed a graduated scale of charges for pews in churches—a number of free sittings being, of course, preserved—the working classes would avail themselves of the opportunity of acquiring seats for themselves.

MR. HEYGATE: Sir, in submitting to the consideration of the House the Resolution which now stands in my name, I can assure the House that I am by no means insensible to the difficulties inherent in the question with which it proposes to deal—a question which has long puzzled many wiser heads than mine, and which has already received at the hands of all the eminent statesmen of the country every kind of treatment, and every variety of argument and illustration of which the subject is capable; and, Sir, mindful of the old saying that "fools rush in where angels fear to tread," I should have shrunk from the responsibility of again disturbing the question this year but for the fact that the propositions which the right hon. Gentleman has laid before the House necessarily involved a discussion of the whole question of church rates, and that thereby a fitting opportunity was afforded to any one who imagined he saw a possible solution of the question to submit his ideas to the consideration of the House; and, Sir, I think it cannot be necessary to seek far for excuses for any one who proposes any solution of this painful and ever recurring question. All must allow that the law relating to church rates is in an anomalous condition, and most of us will allow that as the matter stands it produces religious animosities, and is accompanied by constant inconvenience and occasional injustice, and has produced in some instances effects injurious to the best interests of religion. I, Sir, am one of those, and I believe they are numerous on both sides of this House, who have never given a vote upon the Bill of the hon. Baronet opposite with unqualified satisfaction; and I cannot but express my deep regret that after the memorable occasion of last year when 274 Members of the House walked into either lobby, followed as that event was by a division this year on the same subject hardly less extraordinary, Her Majesty's

Government have not thought fit to take up this question with a view to its solution, and to grapple manfully with its difficulties; for, assuredly, if ever there was a question which, in Parliamentary language, was ripe for legislation, this one of church rates has arrived at that condition of maturity. Why, Sir, it is notorious that on both those occasions to which I have referred many hon. Members voted as they did, not from a desire to effect the total, immediate, and unconditional abolition of church rates on the one hand, or to maintain exactly the *status quo* on the other, but with the hope of compelling a speedy settlement of this odious, long-standing controversy. Now, Sir, before I proceed to examine my own Resolution (which I should wish it to be understood I do not propose as a settlement, but merely as the basis of a settlement of this question), let me say a few words on the proposals of the right hon. Gentleman on my right, whose conciliatory endeavours I think entitle him to the gratitude of the House, as well as on that of my hon. Friend the Member for Newark. The right hon. Gentleman has proposed three Resolutions, of which, as they at first stood, I may say that the first amounted virtually to an abandonment of the position for which we have been so long contending; the second, though it might be harmless, did not seem to contain in it the elements of the settlement of the question; and the third, although founded on a principle identical with my own, yet seemed to my mind unnecessarily to complicate the question, instead of laying down a broad, clear, and intelligible position from which legislation should proceed. As the right hon. Gentleman has reversed the order of these Resolutions, and taken the last first, and dwelt principally upon it, I will confine myself to the reasons which induce me to prefer my own proposal to his. Now, Sir, the right hon. Gentleman proposes to enable special vestries to agree to that, which, if it is a just and equitable and desirable thing to do at all, should, I maintain, be done once and for all by the action of the Legislature; for, not only is it objectionable on the ground of its raising a question to be discussed and debated in every vestry in the kingdom, which would result in the establishment of two different kinds of church rate in different parts of the country, according as a vestry might or might not agree to avail itself of this enabling power; but I also think that it is too great a power to concede to be decided by the

accidental majority of ratepayers (and they principally occupiers) in each parish in any one year; so that, instead of settling the question, it would have the effect of raising a new question, which might be the source of endless discussion and debate—the very thing we are anxious to avoid; and, for these reasons, whilst I cordially concur in the general principle of transferring the liability from the occupier to the owner, I cannot think it either right or advisable to carry out that principle by the means proposed by my right hon. Friend. But, Sir, if I am unable to concur altogether with my right hon. Friend, still less am I able to agree in the desirability of the proposal of pew rents, made by my hon. Friend the Member for Newark; for if there is one thing more than another about which there is an agreement amongst Churchmen, it is this that the exclusive appropriation of seats in the house of God had done more than anything else to drive the poor from church (especially in town parishes), and to loosen their feeling of respect and attachment towards the national establishment; and whatever, directly or indirectly, shall tend to perpetuate or extend the existing evil will, I am certain, not meet with the approbation of those for whose benefit it is proposed. The right hon. Baronet the Secretary for War, who seemed a short time since to be an advocate of this measure, appeared to think that it was objected to only by a certain party in the Church, whom he designated as "the Anglo-Catholic Party;" but I will venture to read a short extract from the writings of one who will certainly not be suspected of belonging to the party referred to by the right hon. Baronet, I mean Dean Close, who is reported in a sermon, in a Carlisle church, to have referred to the present system of pew-letting in the following terms:—

"To my mind it is one of the saddest thoughts that has pressed upon it during my residence in this place, that when people built these churches they were so selfish they built them for themselves, or those who could pay for them. But for those who cannot pay what accommodation do they make? Nothing, I will venture to say, but what is an insult to working men. I thank God that the Church of England is awakening to her senses in this matter—to break down the barriers, and throw open her churches, that the Gospel may be preached as free as air. The shabby resort of supporting the clergyman by letting the pews is the most beggarly contrivance that ever entered the minds of men. This is the reason why we have lost so many excellent and worthy Members from our Church; and if, as I become more and more acquainted with the working men

of this place, I recommend them to go to the house of God, where are they to go to? I do not know where to send them. They are locked out, they cannot come in."

I trust, therefore, that my hon. Friend will not seriously advocate his proposition. I will not stop to discuss other proposals in the same direction which are not now before the House; but I cannot help thinking, that whilst the ingenuity of man has been employed in devising schemes more or less objectionable and far-fetched, the simplest, the most natural, and the most satisfactory remedy has been, most unaccountably overlooked. That remedy is, I believe, to be found in the plan suggested by Mr. Coode, in his evidence before the Committee of the House of Lords (evidence which every Member of this House who has not already done so would do well most attentively to read), whose proposal, though occasionally referred to, has never been seriously discussed in this House. Mr. Coode, as is well known, was engaged as an officer of the Poor Law Board from the day of its appointment, in 1834, until 1848, and is, perhaps, the first authority in this kingdom on all subjects connected with rating or local taxation of any kind. He had a large part in the proposal of the new Irish Poor Law; he framed the measure whereby half the rate was placed upon the owner, and had the fullest and most satisfactory experience of its working. He proposed in his evidence to apply a remedy for the church rate difficulty, somewhat similar to that which had been attended by such beneficial results in Ireland with regard to the Poor Law, as also in England with regard to tithes—namely, to substitute for the present system, not a voluntary occupiers', as Mr. Cross proposed, but a voluntary owners' rate; that is, a rate to be voted by owners, in an owners' vestry, specially constituted *pro hac vice*, to be collected from the occupiers and deducted by them from their rent to their landlord, just as land or income tax is now deducted. Now, hon. Members must not confuse this plan with that of the hon. Member for North Warwickshire, who proposed to establish, in lieu of church rates, a charge to be levied with the county rate at a uniform rate of poundage, to which various objections, not applicable in this case, were, I think, rightly urged. But I think I may claim the authority of a great statesman, whose recommendation on any subject is deservedly respected on both sides of this

House, I mean the late Sir Robert Peel, who having in 1835 described this question to be one "so pregnant with the seeds of discord and collision that the Government were bound not to leave it unsettled for another year," did in 1837 sketch out the remedy to which his own mind inclined—namely, a transfer of liability from occupiers to owners. Here are the words of Sir Robert Peel in 1837—

"If to meet these necessities a sum was to be taken from the Consolidated Fund, it would relieve the landowners of the country from the duty of supporting the Church: Whether there should be a new apportionment of this charge on the land, making the owner and not the occupier contribute (a plan which he owned would, in his judgment, be justice) thus continuing the connection between the landowner and the Church—whether it would be possible to reconcile such a plan with some means of giving relief to the Dissenters, without any invidious test being imposed . . . . whether it would be possible to do these things, he was not prepared to say, but at least they were deserving the best consideration." [3 Hansard, xxxvii., 326-7.]

And, Sir, if it should be argued that Sir Robert Peel, when he returned to power backed by a powerful majority, proceeded no further with this scheme, and therefore he had abandoned it, I say that his real reason was that he imagined that the question had died out and the agitation come to an end. If so, experience has proved how completely he was deceived in that idea, and hon. Members on this side of the House should take a lesson from the past, and not allow a second time the golden opportunity to escape for settling the question on fair and satisfactory terms to all parties. But, Sir, whatever might be the opinion of Sir Robert Peel, it is of more consequence to us to inquire—1st. What would be gained by thus limiting the rate to owners? 2nd. Would such a limitation be just? And 3rd. Would it give the relief sought for by those who now object to the payment of the rate? In answer to the first question, I submit that what is most needed to effect a settlement of the question is a reconstruction of the vestry for the purposes of church rates, and its reconstruction upon such a basis as would include those only who wish to pay and desire to continue the machinery for paying the rate, and that a vestry of owners would effect that object. I believe, Sir, there exists no exact statistics as to the relative number of owners to occupiers; but Mr. Coode, having analysed the lists of places in thirteen different countries, and having personally scrutinized the

claims in several towns (amongst them he mentions Hertford and Cambridge), arrived at the conclusion that in all the places taken there were 9,713 owners as compared with 160,908 occupiers, or, as near as may be, seventeen occupiers to one owner; and, Sir, let us see of whom would this owners' vestry be composed? It would include all those who have the most permanent interest in the maintenance of the parish church, owners not being a fluctuating body like occupiers, here today and gone to-morrow, and who, not only on the ground of interest (as affecting the value of their property), but also by reason of affection and attachment, are anxious for the continuance of this provision for its support. In proof of this I would refer to the Returns obtained by the right hon. Member for Cambridge University (Mr. Walpole) in 1859, whereby it appears that out of 10,026 parishes there were in 1859—

|                              |         |        |
|------------------------------|---------|--------|
| Landowners, all Churchmen    | ... ... | 1,367  |
| " Large majority Churchmen   | 7,436   |        |
| " Dissenters, or about equal | 1,050   |        |
| " Not stated                 | ... ... | 353    |
| Total                        | ... ... | 10,206 |

Or, in round terms, it may fairly be said that the landowners were churchmen in 8,803 parishes; in fact, nearly nine-tenths of the parishes which answered the Return. And, Sir, I would ask any one the question which has been repeatedly asked before, whether, when the occupiers refuse a rate in vestry, the owners thank them for it? I think no one will answer that question in the affirmative; and if further evidence be required to prove that the owners, as a class, recognise their interest in this case, I would point to the Scotch heritors, who are to a great extent dissenters from the Established Church of Scotland, from whom objections to the charge upon their properties have, I believe, never yet been heard. Thus, Sir, by the transfer proposed the incidence of the rate would fall, in name as well as in reality, upon those who are most interested both pecuniarily and by attachment in the maintenance of the church; and by the limitation of the vestry all those tumultuous proceedings would be avoided which have been in some places a scandal to religion and a disgrace to a Christian country. And, Sir, I think it is equally easy to prove the justice of such a scheme. It would be just to the occupiers; for I would not propose to deprive the class

whom I would thus exclude from a church rate vestry, of a single right or privilege as regards the Church to which they are now entitled ; and, if in obedience to the desires of a large class of occupiers, they are to be henceforth relieved from the payment of the rate, it follows as a matter of justice that the owners alone should decide as to what the rate should be. To limit the rate to owners, and to allow occupiers to vote, it would be a gross case of taxation without representation ; and it would be equally just as regards the owners, for it would be as clear as daylight that the letting value of their property would be increased in exact proportion to the amount of burden removed. The real fact is, that the owner already pays the rate indirectly, so that the change which I propose is rather one to remove a statutory fiction, and to satisfy tender consciences, than to transfer an obligation from one class of persons to another. The evidence of Mr. Coode on this point is so clear that, by permission of the House, I will read a short extract from it. Mr. Coode is asked by the Chairman—

“ Is it the case that the incidents of the rate, though they primarily fall upon the occupier, invariably in the long run rest upon the owner ? ”

He answers—

“ Invariably ; it is not by a mere consequence, it is by an arrangement that anticipates all payment of rent whatsoever. No rent is ever set but upon the consideration of all the outgoings that the tenant will have to pay or provide for. Amongst these, and some of the most conspicuous, and the most easily calculated of all, are the rates and taxes which a tenant has to pay. I do not know whether the Committee have had before them the evidence on this subject, but it is very accessible, namely, in the practical experience of every surveyor and of every house or land agent, who would tell your Lordships that he never, in the whole course of his business, attempted to agree or set a rent without first considering all the rates which a tenant would have to pay, and deducting those from the estimate of the natural or gross rent that the property was worth.”

And again—

“ Wherever the occupier is made liable as such to any rate, there can never be a question as to the eventual economical operation of that legal liability. You may make a rate upon the owner, or upon the occupier, or say it shall be on lands and tenements ; but you cannot, by any device, avoid this certain effect, that if the subject in respect of which the assessment is to be made is the subject of occupation, nobody will come into occupation as a payer of rent without taking that obligation into his calculation as an outgoing, and having the rent reduced accordingly.”

Then, Sir, there remains the important

*Mr. Heygate*

question, whether by the plan suggested the relief sought for would be gained by those who desire it ; and I think that this is the fact is proved to some extent by the facts I referred to concerning the feelings of owners generally, and the extent to which they are members of the Established Church ; but doubtless there are Dissenting owners as well as Dissenting occupiers (though in a much smaller proportion, as I have shown), and some of these might not recognise the advantages and obligations which a church confers or imposes on their property. And I grant that the relief would not be perfect or complete so long as there was a single involuntary compulsory payment. To meet this difficulty, Mr. Coode proposes (and I should not fear the result of the experiment, although I have purposely avoided encumbering my Resolution with any conditions which are rather matters of detail) that any objecting owner should have the power of self-exemption without the imposition of any test ; and this is what Sir Robert Peel hinted at in the passage already quoted, and would not be liable to the same objections when applied to owners as might be urged in the case of occupiers ; at all events, it would leave no tender conscience unrelieved. Such, Sir, would I venture to think, be the general results of a measure based on the principles contained in the Resolution which I hope this House will, sooner or later, sanction. I am not sanguine enough to suppose it will satisfy all ; it will not satisfy those whose aim and object is neither justice, nor equality, nor the relief of conscience, but who merely seek a triumph at the expense of the National Church ; but in the firm conviction that such a measure is practicable, and would be just, as well as conducive to what we all profess to wish to serve — the interests of religion, I believe it would be accepted with gratitude by the reasonable and intelligent of all parties throughout the country. I beg to move, Sir, the Resolution which stands in my name—

“ That in order to effect a satisfactory settlement of the Law relating to Church Rates, it is expedient in the first place to transfer their direct charge, together with all powers of imposing the same, from the occupiers to the owners of property.”

Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “in order to effect a satisfactory settlement of the Law

relating to Church Rates, it is expedient in the first place to transfer their direct charge, together with all powers of imposing the same, from the occupiers to the owners of property."

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR GEORGE GREY: I shall offer but a very few observations to the House on the question before it, inasmuch as no practical issue has in reality been raised during the course of this discussion. Indeed, the question, as it has been brought under our notice to-night, has assumed a shape rather better suited to the recent meetings of the Social Science Association than to the House of Commons. But, however that may be, nobody can doubt the sincerity of the motives which have induced my right hon. Friend opposite to draw again our attention to the subject, while I think the observations which have fallen from him clearly show the difficulty of effecting any satisfactory settlement respecting it. My right hon. Friend gave notice of his Motion on the 23rd of May, and, as the notice then stood, it was of a character very distinct and definite. It proposed that pew rents should be more extensively collected by means of voluntary arrangement, and then, but only in the event of voluntary contributions failing, that there should be a special meeting of the vestry convened, and a special rate levied to make up the deficiency in those contributions. The right hon. Gentleman, however, very soon altered that proposition materially. The Resolutions of my right hon. Friend have undergone other alterations, and now they are submitted to the House in a shape very different from that in which they were first put upon the paper. I am bound to say that to the first Resolution I think there are very grave objections. That Resolution, if carried into effect, so far from leading to an amicable settlement of the question, would open a new source of discord in every parish. It is to be presumed that the vestry which is to decide the question whether the liability as regards the repair of the parish church and churchyard should be transferred from occupiers to owners is to be composed of both classes of persons. We all know that in an ordinary country parish the occupiers are far more numerous than the owners. As a matter of course, therefore, the latter would be out-

voted; and, upon the whole, I can conceive of nothing better calculated to create bad feeling between owners and occupiers than such a process as that embodied in the first Resolution of my right hon. Friend. Again, as I infer from the statement of my right hon. Friend, the rate payable by owners is not to be the only rate in a parish; on the contrary, there is to be a voluntary rate agreed to at an ordinary meeting of the vestry, payable by occupiers, which rate is to be applied to the general purposes to which church rates are now applicable, the rate payable by owners being devoted exclusively to the repair of the parish church and churchyard. My impression is that such a scheme, as it contemplates two rates and two vestries, instead of simplifying the process by which church rates are now imposed and collected, would intensify and perpetuate the evils produced by the existing system. The question of pew rents has dropped out of the Resolutions, but my right hon. Friend in his speech argued in favour of his original proposition; and I must say that it is very difficult to understand the objections which are made to pew rents, especially when one considers that these objections are advanced by the same gentlemen who acquiesce, apparently with satisfaction, in the exclusive appropriation of certain seats to men of property and their families. It is not pew rents, but the exclusive appropriation of certain seats that prevents the poor having free use of their parish church. Of course, I do not wish to increase the facilities for appropriating pews; but if an exclusive right to certain seats exists in owners of property, why should such an outcry be raised when it is said that the persons so exclusively situated should be required to pay something towards the repair of the church? I therefore regret that my right hon. Friend has abandoned that portion of his Resolutions as they originally stood which related to pew rents. Of the second and third Resolutions I am bound to say that, in my opinion, they embody the only expedient by which, short of total abolition, the question of church rates can be satisfactorily settled. If church rates are not absolutely abolished, what is objectionable in them can be removed only by the repeal of the existing legal process for enforcing their payment, and by making the payment of the rate voluntary. To allow vestries, as at present, either to make a rate

or to refuse it, and to exempt objectors without requiring them to declare themselves Dissenters, would practically amount to the abolition of church rates in the ordinary sense ; but it would have the advantage of removing every possible objection on the part of Dissenters, while it would retain the existing machinery for the rate, where a parish is willing to continue it. If my right hon. Friend had submitted to us his second and third Resolution alone, I should have given him my cordial support ; but, taking his scheme as whole, I must say that the objections to the proposed transfer of church rates from occupiers to owners are so strong that I do not see how they are to be overcome. The best course would be for my right hon. Friend to endeavour to embody these proposals in a Bill ; and then, when we have the Bill before us, we should be able to judge better of their effect. Upon the whole, I am afraid that the present discussion can only tend to show the insuperable obstacles which exist to the adoption of any expedient short of abolition for the satisfactory settlement of the church rate question, with the exception of that embodied in the second and third Resolutions.

MR. DISRAELI : Sir, I shall refrain, on the present occasion, from entering into any discussion of the principle of church rates ; but I think it due to my right hon. Friend the Member for North Wiltshire (Mr. S. Estecourt), however I may differ from him on points of detail, to bear my testimony to the highly honourable and straightforward manner in which he has acted throughout this controversy. It is very advantageous that a Gentleman of his intelligence and position in the House should take such opportunities as the present, on a question which has so long been the subject public controversy, to urge us to express an opinion upon the means by which ultimately some satisfactory arrangement may be made. Hitherto, the only conclusion at which I have arrived is the conviction that when the question of church rates was first brought forward for public discussion much too narrow and limited a view was taken of it by Parliament. The truth is, we have discovered, after the discussion of the question for a quarter of a century, what important interests and what great principles are involved in it. The principle of a National Church, the practice of local government, the privileges of the great body of the population, and, above all, that principle of the pre-

dominance of the majority, on which the whole of our social system in this country depends, were all really involved in what was brought before us at first merely as a sectarian grievance and a parish quarrel. It is the greatness of those principles, and it is the importance of these interests, that have so developed themselves in our public and Parliamentary discussions as really to have produced the difficulties which have prevented any settlement of the limited question first brought under discussion. When I remember this, I feel that it is not possible, in a rapid and easy manner, to arrive at any conclusion on a question that involves considerations of such immense importance. I would not follow the example of my hon. Friend tonight and say that this is a question on which the existing Government of this country ought to form an opinion, and stake their existence in case their solution is not adopted. Still, I will say that there is no question more worthy of the consideration of a Government, and that more requires the authority and responsibility of a Government for its solution ; and, except by a Government, I am convinced that no solution of this great difficulty can ever be arrived at. Sir, I do not myself despair that the time will arrive when, with a due regard to all the great principles involved, some solution satisfactory to the country may be accomplished ; yet I am satisfied it never can be accomplished except with a due regard to the ancient institutions of this country, and to the habits, customs, and privileges of the people of England.

MR. NEWDEGATE said, that as reference to the Bill which he had brought in on this subject had been made by the hon. Member for Leicester (Mr. Heygate), who seemed to think that the proposal he should have to make would interfere with the rights of the vestries in providing for the maintenance of their parish churches, he begged to assure the hon. Member, that if he would examine the Bill which stood in his (Mr. Newdegate's) name, he would find that it was framed with caution, and that it provided effectual machinery for preserving the rights of the parishioners in vestry assembled to control the arrangements of their own churches. He had been highly gratified with the course of this debate ; for although he could not agree with the proposal of his right hon. Friend (Mr. Sootheron Esteourt), on account of several of the objections that had

been raised, yet he was glad that the right hon. Gentleman had treated the question not as one pertaining to any particular Government, but as one that ought to be decided by the House itself, and in a sense favourable to the principle of the measure which he (Mr. Newdegate) had introduced. With reference to the transfer of this charge from the occupiers to the owners, he begged to remind the House that that was supported by the authority of the Poor Law Commissioners of 1843, by the authority of the late Sir Robert Peel and the late Sir James Graham. He would never consent, seeing that church rates were a charge really upon the land, to alienate the right of the parishioners to that portion of the produce of the land. The proposal of the hon. Member for Leicester, if adopted, would hand over the whole control of a parish in some cases to the landlord, being one person who might not be a member of the Church of England. The hon. Member was perhaps aware of one case in which a Roman Catholic landlord, owning the parish, induced his tenants to vote against church rates. He (Mr. Newdegate) believed that there were other similar cases. He had therefore in his measure endeavoured to secure for the parish vestry the right not only to the means for maintaining, but the management of the church which belonged to them.

LORD ROBERT CECIL said, that the Government seemed quite enamoured of the inaction they had observed on this question. They had been reproached with not settling it, and an hon. Member, who might be called a friendly monitor (Mr. Bright), had spoken of them as superior clerks on account of the conduct they had pursued. They not only abstained, however, from initiating the discussion of this question, but they arrested any discussion which others might initiate. His right hon. Friend the Member for North Wilts (Mr. S. Estcourt) had been taunted for having introduced a subject which he had been told was better fitted for the meetings of the Social Science Association. The object of such discussions was to enable the House to make up its mind. If ever there was a case in which an assembly found it difficult to make up its mind, it was on a subject on which a majority of seventy on one side had ended in a majority of one on the other. The House of Commons had been engaged for ten years in a search after a compromise, and

he did not think the House could be better engaged than in discussing every compromise that could be suggested, until shame at the condition of this question would induce the House to come to some conclusion. The word "compromise" had, however, he thought, been very much ill-used in these debates. The ordinary meaning of a compromise was when each side gave up something; but the notion of a compromise entertained by some hon. Members was, that the friends of the Church should give up everything, and should cripple themselves in some manner pointed out by hon. Members opposite. A proposal had been made by one of the Members for Maidstone, not then in the House, which had been afterwards endorsed by the right hon. Gentleman the Home Secretary—namely, that a rate should be levied, but that all power of enforcing it should be taken away. The right hon. Gentleman's idea was to keep up the form of a rate with all the vitality taken out of it. He would put a case to hon. Gentlemen opposite as landowners. Suppose the tenants objected to pay rent and got up an anti-rent agitation; that they gained a hearing, and that there was great difficulty in coming to a settlement. Suppose, then, that he came forward as a peacemaker, and offered a compromise of this kind—that the landlords should be allowed to fix their rent, to demand it, and to issue their summonses if it were not paid; but that if the tenants declined to pay any rent, it could not be enforced. Why, the landlords would accuse him, if he proposed such a compromise, of mocking their distress instead of offering them assistance. Yet that was what Ministers of the Crown told them was the only compromise that could be acceptable. A farmer might be willing to pay to the support of his church, but he might not be willing to pay towards filling up the defalcations of his neighbour. He would reply, "I am willing to pay for the church, but not to save that stingy farmer." The whole scheme would thus fall like a pack of cards. The hon. Member for Newark (Mr. Hodgkinson) did not abandon the rate, but he fixed a limit, and imposed a condition which would destroy the influence of the Church, and empty the parish churches of their worshipers. He was surprised that so much enthusiasm for such a proposal should have been expressed by the right hon. Gentleman (Sir G. Grey), who seemed to imagine, that if

they cut off a certain number of seats in a church, and made them free by Act of Parliament, they would have done all that could be required, and the poor would have ample opportunity of attending religious worship. If there were seats enough at present, the proposed system might be an admirable one, but there were not. Professing to be the Church of the nation, and wishing to be the Church of the nation, the Church was able to find room for only 29 per cent of the population, though 58 per cent belonged to her communion. That being the case, if they kept a certain number of seats for the rich parishioners exclusively, the poor would be in a far worse condition than they were at present. No one who had been in a parish church which was carved out into pews, and where the seats were kept for those who rented them, whether they were present or not, could have failed to observe how the poor man was treated, how he was shown to a seat in the gallery or in a corner where he could hear and see nothing, and where, perhaps, he might catch his death. And then hon. Members reproached Churchmen by saying that was not a proper state of things for the Church of the nation. He quite agreed with those who thought that the present state of many parish churches, where the poor were excluded, was a positive disgrace to a Church which called itself national. He longed for the day when that reproach should be wiped away. He believed that public opinion and the sympathy which was growing up between the rich and poor would before long sweep away that great abuse and reproach from the Church of England. But what he deprecated was the interference of that House in perpetuating by Act of Parliament what was only a pernicious custom, and thus deferring the day when the evil would be swept away by public opinion. He thought that his hon. Friend (Mr. Heygate) had offered what really deserved the name of a compromise—a give and take on both sides. If the Dissenters, and those who impugned the present state of the law, refused the proposition of his hon. Friend, they would lay themselves open to the charge that they did not desire the amendment of the law, but aimed at ulterior objects. A proposition was now offered which, if carried into effect, would banish absolutely this question from the parishes, would prevent it from ever disturbing the vestry again, or ever again setting the people against their parish priest. He trusted that they should have

frequent discussions of this proposition, until the mind of the country was habituated to it—a proposition which had the advantage of having been approved by the House of Lords, and of having thus got over one of the main difficulties in the way of a solution, and a proposition which would remove in a satisfactory manner the disgrace of the question not being settled before.

LORD HENLEY said, that he did not think there was the least chance of coming to a settlement of the question if such settlement would take everything for one party, and would give nothing to the other side. The proposition before the House would place the opponents of the rate in a worse, and the supporters of the rate in a better position than they were in at present, because it would enable the owners by their proxies to swamp occupiers when the subject came to be discussed in the vestry. He did not see any provision in the proposed Resolutions for allowing church rates to cease in those parishes where they had already ceased to be levied for a great number of years. The practical consequence, therefore, of the owners of property being allowed to vote would be that in a great many towns and parishes, where the rate had ceased to be collected, a new struggle would be commenced, and war would again ensue. He was anxious to see a settlement of this question. He did not desire to see it continued either as a party cry or as a grievance, but he asked whether any settlement such as now proposed was likely to prove satisfactory? He thought it utterly out of the question, because it would place the opponents of church rates in a worse position than they are in at present. Still, he did not see why one day or another some plan might not be originated in which both parties should agree. Such a plan must proceed from one of two quarters. It must come from the Nonconformists and be accepted by the party opposite, or else the Government in some future year might take up the question, and by their influence and with the desire of all parties for a settlement of the question, might carry a measure which, bringing about a compromise alike satisfactory to the members of the Church of England and to the Dissenters, would do good not only to the cause of the Church, but of religion generally.

MR. HEYGATE said, that it was not his intention to divide the House upon his

Amendment, and therefore he begged to withdraw it.

MR. DILLWYN said, that when the noble Lord the Member for Stamford (Lord R. Cecil) taunted the Ministerial side of the House with not being able to settle the question of church rates, he should have remembered that his own side of the House was not in a more happy position, for during that evening the House had had placed before them two or three Amendments, all emanating from Members sitting on the Opposition benches. The advocates of the unconditional abolition of church rates had long ago given up all idea of compromise, not from an unwillingness to look the question in the face, but from the conviction that no satisfactory proposal could be made short of entire abolition.

MR. SOTHERON ESTCOURT said, that it was only because no plan had proceeded from the Nonconformists or from the Government that individual Members of Parliament now came forward with plans for the settlement of the question. Because the Government would take no steps in the matter, was there any reason why all others should wait with folded arms? The only reason could be that the country had not yet made up its mind, and in order that it might consider both sides of the question, and come to a judgment upon it, it was desirable that independent Members should occasionally call attention to it. It was a mistake to suppose that his proposal was that one class should vote and another should pay the tax. What he intended was that, except where owners and occupiers jointly paid, owners alone should determine whether the rate should be enforced. A distinction had been drawn by the Home Secretary between the first and second divisions of his Resolution; but he did not mean that there should be any distinction. He had divided the Resolution merely to render it more plain and intelligible. On the whole, he was gratified with the course of the debate, because, to a certain extent, a modified assent had been given to his Resolution. He had no desire to carry his proposal by a bare majority, because a settlement of the question could never be accomplished by that means. It was not in the House so much as in the country that he desired to elicit an opinion, and hence his wish to agitate the question. At present the Government had, perhaps, a right to say that they could do nothing until the mind of the country was more decided on the subject; but he trusted that

before long a satisfactory settlement would be arrived at by mutual concessions. He begged to withdraw his Resolution.

Amendment and Motion, by leave, withdrawn.

#### HULL CITADEL.

#### SELECT COMMITTEE MOVED FOR.

MR. AUGUSTUS SMITH said, that he was compelled to bring forward the Motion, of which he had given notice, for a Select Committee to inquire into the transfer of Hull Citadel and adjoining premises from the War Department to the Woods and Forests, owing to the refusal of the Government to produce the case agreed to by the two departments and the opinion of the Law Officers thereon. From the time of Henry VIII. it had always been deemed an important fortification, and during the Civil Wars was used as a fortification. The language of numerous Acts of Parliament, from the beginning of the reign of George III. down to the 5 & 6 Vict., uniformly declared that such property was vested in the Government as trustees for the public. The foundation of doubt seemed to be laid in the 39th section of the 5 & 6 Vict., c. 94, and upon that section was based the claim of the Woods and Forests to this considerable property, as belonging to the hereditary possessions of the Crown. A part of that very property had, a few years ago, been made over to the town of Hull for the purpose of forming docks, having ceased to be useful for military purposes; and if any one but the War Department had a right to it, it was the town of Hull. The Woods and Forests, however, claimed it, and the Law Officers by their opinion confirmed that claim. No one knew whether, in the case laid before them, the facts had been fairly stated, and the House was in equal ignorance of the grounds of their opinion. It was said to be unusual to publish the opinion of the Law Officers; but the public had a right to know how this property, upon which large sums had been laid out by the War Department, had been filched from them. It was the more incomprehensible, because an opinion had been given by two very eminent gentlemen in the legal profession that Hull Citadel never was part or parcel of the hereditary possessions of the Crown, and that it was vested by the 18 & 19 Vict. in the Secretary of State for War. With regard to Crown property, he maintained that it was held by the Crown for public purposes,

and it should not be supposed that the Crown had an antagonistic interest to that of the public. Very important public rights were connected with this question, and he hoped the House would assent to the appointment of a Committee.

MR. PEEL said, that the proposal was substantially the same as had been submitted by the hon. Member, and rejected by the House, on a recent occasion. If a Committee were appointed, they must have before them the case which had been submitted for counsel's opinion, this case containing the evidence of title on the part of the Crown ; and, in point of fact, the question which the Committee would consider would be the title of the Crown to this property. Well, that was rather a question to be decided by a court of law than by a Committee. As between the corporation of Hull and the Crown, the Court of Chancery had already decided in favour of the latter ; and that was really therefore an attempt to appeal to that House from a decision of a court of law. Since the decision of the Vice Chancellor the Crown had entered into an arrangement with a company at Hull respecting the land. That arrangement had been embodied in a Bill, and it would be inconsistent, after dealing with the property in this way, now to inquire whether that property belonged to the Crown or not. The hon. Member had asked whether the citadel was part of the hereditary possessions of the Crown. The Government regarded it as Crown property. They were fortified in this view by the opinions of the Law Officers of two successive Governments and the opinion to which the hon. Gentleman had referred as having been given by two gentlemen of the legal profession, was given upon an incomplete case and in ignorance of material facts. The hon. Member seemed to suppose that because the land had been in possession of the War Department it had therefore become public property ; but the Tower, Chelsea Hospital, and Dover Castle, were in the same way under the control of the War Department, and yet nobody supposed that those places were not part of the hereditary possessions of the Crown. The Hull citadel was, no doubt, temporarily in possession of the War Department ; but when that occupation ceased, the property reverted to the Crown and came properly under the management of the Commissioners of Works. He hoped the House would not sanction the appointment of a Committee.

*Mr. Augustus Smith*

MR. CLAY said, that if the hon. Member for Truro divided the House on the question, he would divide with him. The arguments urged by the right hon. Secretary of the Treasury did not appear to him to be in point. The value of the proceedings in the courts of law, he understood, went for nothing, inasmuch as the case should have been submitted to a court of equity instead of a court of law. He believed the question to be a proper one for inquiry, impressed as he was with the conviction that the property had never been purchased by the Crown at all. The investigation, if entered into, would doubtless prove a most interesting one to archaeologists, as it would commence with a disputed sale of the citadel to Henry VIII., the fact being that the citadel formed no part whatever of the Hull property that was sold to Henry VIII.

SIR GEORGE LEWIS said, that on the part of the War Department he rose to confirm the statement made by the right hon. Gentleman the Secretary to the Treasury. He had himself inquired into the case, and had seen the opinions given on the question by two separate Law Officers of the Crown. Whatever question there might be in the matter would be one as between the War Department and the Woods and Forests. There was really no necessity for the inquiry at all.

MR. AUGUSTUS SMITH, in reply, observed that the principle of the Government seemed to be that any property applied to public uses, when no longer required for those uses, must be held to be the property of the Crown. A more dangerous doctrine he could scarcely conceive, or one that required more careful attention when they were voting the estimates.

#### Motion made, and Question,

"That a Select Committee be appointed, to inquire into the circumstances and grounds under which Hull Citadel and adjoining premises were transferred from the War Department to the Commissioners of Woods and Forests, and report their opinion thereupon to the House,"

—put, and negatived.

#### THE GALWAY PACKET COMPANY.

##### PAPER MOVED FOR.

MR. DUNKELLIN said, that he rose to call the attention of the House to the position in which the Atlantic Royal Mail Company was placed, and to inquire what were the intentions of the Government

with regard to the restitution of postal communication between Galway and North America. It would be in the recollection of the House, that some years ago a contract was entered into between the Government of the day and the Atlantic Royal Mail Company, for the purpose of conveying the mails between Galway and North America. After many mishaps an end was put to that contract; but it was the opinion of many hon. Members at the time that that contract had been terminated in a very summary manner, and therefore a Committee had been appointed to consider the subject, which, however, expressed no opinion as to the advisability of re-establishing communication between the west coast of Ireland and America; but it was of opinion, that if such communication were desirable, the claims of the Atlantic Royal Mail Company were deserving of favourable consideration. Upon the very last day of last Session the noble Lord at the head of the Government said, in answer to questions that were put to him, that "he thought it was clear that a rapid communication between the United Kingdom and North America, and more especially a communication with St. John's, which would give facilities for telegraphic notices, would be of great advantage to the commerce of the United Kingdom. He did not think that the advantage to the United Kingdom would be less because the communication would be attended with benefit to Ireland." The noble Lord further said that he thought that the restoration of postal communication between Ireland and America would be of advantage to the empire at large, and that he should be disposed to give a favourable consideration to the claims of the Atlantic Company when they could show that the capital and shipping at their command afforded a reasonable prospect of their being able to fulfil the engagements into which they might enter with the Government. The question therefore resolved itself into this:—Had the Company, when they applied to the Government for the restoration of the subsidy, a reasonable prospect of being able to fulfil the engagements into which they might enter? He hoped to show that they had. Their application was made by a letter to the Lords of the Treasury on the 24th of April, and they had then ready to carry out the service three ships, on which since last August they had expended £180,000, and a fourth was being prepared. In the beginning of May he waited

upon the noble Lord at the head of the Government, accompanied by a deputation of men of all parties and all religions, to support their request. Neither to the memorial of that deputation nor to the application of the Company had any answer yet been given. On the previous Saturday a letter was received from the Secretary of the Treasury asking for a detailed statement of the means possessed by the Company for carrying out any engagement into which they might enter, but as yet nothing definite had been done. At this moment the Company had three ships ready to perform any postal service that might be required. That was, they would be ready to do so as soon as the contract could be arranged—say in a month or six weeks. If Parliament should be prorogued without the renewal of the contract, the expense of keeping four ships idle for nine months—that was, until a contract could be made next year—would be £100,000. All he now desired was, to get a definite answer from the noble Lord at the head of the Government whether that scheme was to be allowed to fall to the ground and the capital invested in it to be sacrificed. There was a strong feeling among the people of Ireland, that as their country contributed its fair quota to the Imperial Exchequer, it was entitled to its fair share of the expenditure incurred in promoting the postal communication of the empire. To that Ireland had the greater right, as it would not only tend to develop her own natural resources, but would also facilitate the commercial intercourse of the three kingdoms. He could, if necessary, easily give the House a long list of the names of those who had invested their all in the undertaking, which, while it would benefit themselves, would still more benefit the whole country. But at that late hour he forebore to do so. He had endeavoured to divest his remarks of any party or political character, and he now simply offered the noble Viscount an opportunity of stating distinctly whether the hopes that had been raised on this matter were to prove fallacious or to be realized, and whether an end was to be put to the uncertainty which paralysed the energies of that Company.

Motion made, and Question proposed,

"That there be laid before this House, a Copy of any Correspondence which has taken place between the Galway Company and the Treasury since the presentation of the Memorial of the Company on the 24th day of April last."

VISCOUNT PALMERSTON: My noble Friend has stated the case with great clearness and great fidelity in his recital of what took place on this subject on former occasions, and I have nothing to remark upon either the form or the substance of his statement. It is quite true, as he says, that some time ago—I think in the month of May—a deputation did me the honour of coming to me on the subject of this contract. That which they stated, as I understood it, was not with regard to their present ability to carry into effect any contract which might be entered into with them, but referred to their expectation that at a future time, not far distant, they would be in a condition to execute any engagement into which they might enter. Her Majesty's Government has not had from them, after that, a statement that they were in that condition. A letter was addressed to them last week, to which I understand an answer was received at the Treasury this morning expressing their view as to their ability to fulfil any contract which they might undertake. I can assure my noble Friend that it will be the duty of the Government to give the earliest attention to that answer; and we feel, for the reasons stated by my noble Friend bearing on the period of the Session, that it is due to the company and due also to the Government that a definite answer should, founded on the statement which has been sent in, be given at the earliest possible moment. And I do not doubt that in the early part of next week we shall be able to communicate to them our decision. It would not, I think, be useful or convenient for me to anticipate, one way or the other, the conclusion at which we may arrive. I can only assure my noble Friend, and those interested in this subject, that nothing which tends to promote the interests of Ireland can be a matter of indifference to Her Majesty's Government. On the other hand, the House must perceive that we have duties to perform as the guardians of the public purse, and that there are therefore these mixed considerations to be taken into account with the view of giving a final answer to the application which we have received.

COLONEL FRENCH said, that he understood that the Government were prepared to give the most favourable consideration to the claims of the company, provided it could prove itself to be in a position to carry out the engagements into which it

might enter. Therefore, knowing that his noble Friend at the head of the Government was quite incapable of violating any promise which he gave, he was perfectly willing to wait till the beginning of next week for the answer of the Government.

Motion, by leave, withdrawn.

#### AFFIRMATIONS BILL.

##### LEAVE. FIRST READING.

SIR JOHN TRELAWNY said, that he rose to move for leave to introduce a Bill to allow certain persons to make affirmations in all cases where an oath is or shall be required. He observed that last year a Bill received the sanction of Parliament altering in a certain degree the law of oaths, and he was anxious that the same principle should be carried a little further, to include jurors and others who were placed at a disadvantage as regarded the present state of the law. The Bill proposed also to enable persons not at present competent according to the English law to give evidence, to be heard upon making simple affirmations in the place of solemn affirmations, adopting in this respect a principle which already prevailed in India.

MR. DILLWYN begged to second the Motion.

MR. M'MAHON said, that he should have felt disposed to oppose the Bill, were it not for the lateness of the Session, and the improbability of its passing into law. At the same time he could not help stating his objections to the measure. It seemed monstrous to ask the House of Commons to abrogate a rule of the law of England and of every other civilized country merely because it was not part of the law of India. He affirmed that by the law of India perjury was permissible, and, in fact, was one of the institutions of the country. He did not like to move the rejection of the Bill on the first reading; but, in truth, the principle of the Bill might as well be discussed then as at any other time; and without wishing any discourtesy to the hon. Baronet, as he should not probably have the opportunity of addressing the House again upon it, he should move that leave be not given to the introduction of the Bill.

SIR GEORGE BOWYER said, that his objections to the Bill were wholly of a practical nature. The object of judicial procedure was to discover the truth; and it was notorious, as a matter of experience, that many witnesses who would not scruple

to tell a lie hesitated before they committed perjury. That principle had been affirmed by the practice before Committees of the House. He could not agree in thinking that the law of India sanctioned perjury ; but he opposed the Bill simply because it would remove a principal means of obtaining the truth from a large class of witnesses.

MR. LOCKE said, that his hon. and learned Friend (Mr. M'Mahon) had used the most extraordinary argument. He was ready to admit into the courts of India witnesses amongst whom, he said, perjury was an institution, and yet he would not agree to the proposal of the hon. Baronet the Member for Tavistock, which rendered the violation of an oath, impossible. The hon. and learned Member for Dundalk had omitted altogether the circumstance that administration of an oath subjected the witness to the penalties of perjury, if he deposed to what was false. It was not the oath, but the penalty for perjury, that induced witnesses before Parliamentary Committees to be more careful than they were before. He hoped that the House would enable the hon. Baronet to bring in his Bill, in order that they might see how the measure was worded, because a great deal depended upon the verbiage employed.

MR. ROEBUCK said, that he wished to look on the question merely as a practical one—merely as a mode of arriving at the truth in the administration of justice. Now, if they doubted the truth of a witness, what was the first thing they did ? They examined him on the *voir dire*. If the witness was a truth-telling man, he might say that he did not believe in a future state of rewards and punishments, although he might know that it would tell against him. The witness, having thus given proof of his love for truth, would be ordered at once to stand down. But suppose he lied, and said that he believed in a future state when he did not, he was allowed to give his evidence. There were three motives which would restrain a person from bearing false witness. One was the fear of punishment, another was public opinion, and the third was religion. Now, what was the value of this last standing alone ? The university oaths were an example in point. In that case there was no fear of punishment or dread of public opinion. There was nothing but the fear that Almighty God would punish them if they did not speak

the truth. Well, persons took those oaths and broke them immediately. Such being the value of the religious sanction by itself, his hon. Friend asked that a person who professed not to be influenced by it might be allowed to get into the box and tell his story. He asked the House to put aside the poor little petty feeling about civilized nations aiding and assisting perjury. Had not the whole of the people of India been indignant at the assertion of a judge, who said that perjury was the common system of evidence in their courts. At present truth was dragged out of lying witnesses by cross-examination, and it was most ridiculous that they should reject the evidence of a man whose very first answer showed that he had a regard for the truth, and yet admit a witness who had no such regard for it. He trusted that the House would offer no objection to the introduction of the measure.

MR. SCULLY said, that he hoped there would be no division, and that the hon. Baronet would be allowed to bring in his Bill, in order that the House might see what it was like. His own impression was that there were very few persons who would tell a falsehood that would not also swear to the truth of it.

Motion made, and Question put,

"That leave be given to bring in a Bill to allow certain Persons to make Affirmations in all cases where an Oath is or shall be required."

The House divided :—Ayes 88 ; Noes 59 : Majority 29.

Bill ordered to be brought in by Sir JOHN TRELAWNY and Mr. DILLWYN.

Bill presented, and read 1<sup>o</sup> ; to be read 2<sup>o</sup> on Tuesday next, and to be printed [Bill 166].

#### ENDOWED SCHOOLS BILL.

#### LEAVE. FIRST READING.

Order for Committee read.  
House in Committee.

MR. DILLWYN said, that it was not his intention to proceed with the Bill this Session, nor was it his intention to trouble the House by raising a discussion or dividing upon it, but he would state the principles of the Bill. Having endeavoured to improve the law relating to grammar schools, he found that all his attempts at conciliation had been in vain ; he had therefore drawn this Bill so as to embody the principles which he wished to carry

out. As the House was probably aware, Endowed Schools were of two kinds, those with royal foundations and those founded by private individuals. A great many of those with royal foundations were founded in the reign of Edward VI. out of the spoils of the monasteries, and the principle he sought to establish with reference to those schools was that they were for the nation at large, and that no one should be excluded on account of religious belief. With regard to schools founded by private persons, he did not propose to touch them where it was distinctly proved that they were founded for any particular sect; but he proposed to make them available where there was no such restriction.

MR. SOTHERON ESTCOURT said, he wished to guard himself while consenting that the Bill be laid on the table from its being supposed that he concurred in it.

*Resolved,*

That the Chairman be directed to move the House, That leave be given to bring in a Bill to amend the Law respecting Endowed Schools.

House *resumed.*

Resolution *reported.*

Bill *ordered* to be brought in by Mr. DILLWYN and Sir CHARLES DOUGLAS.

Bill *presented*, and read 1°; to be read 2° on Wednesday 23rd July, and to be printed [Bill 167].

DRAINAGE (IRELAND) BILL—[No. 145.]  
COMMITTEE.

Order for Committee read.

COLONEL DICKSON moved that the House should go into Committee on this Bill.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. SCULLY said, that he objected to proceeding with the Bill at that late hour of the morning (half-past twelve), especially as no explanation had been given on the first or second reading of the Bill. He begged to move that the debate be adjourned.

COLONEL DICKSON said, the objects of the Bill had been twice explained, and it had been sent to a Select Committee. He hoped the House would consent to go into the Bill at that comparatively early hour of the morning.

COLONEL FRENCH said, that he hoped the House would go into Committee on the Bill.

Mr. Dilwyn

SIR GEORGE GREY said, that although the hour was late for a Committee on a disputed Bill, he still hoped, that as the Bill had been referred to a Select Committee and fully investigated, the House might now proceed to a decision at once as to whether they should go into Committee or not.

MR. COGAN said, that he protested against going into Committee on so important a Bill at half-past twelve o'clock at night, which seriously affected the rights of private property.

Motion made, and Question put, "That the Debate be now adjourned."

The House divided:—Ayes 17; Noes 109: Majority 92.

MR. BAILLIE COCHRANE said, it was too late to proceed with the Bill at that hour. There were other orders on the paper waiting to be disposed of, and he therefore moved that the House do now adjourn.

MR. SCULLY said, that he hoped the hon. Member would not persevere with his Amendment, so that the House might be enabled to discuss a measure of that vast importance. No discussion had as yet been taken on this Bill. It was read a second time after a speech of the hon. and gallant Member for Limerick (Colonel Dickson), who had charged him with wantonly obstructing his measure.

MR. BAILLIE COCHRANE said, he would withdraw his Amendment.

House in Committee.

Clause 1 (Short Title).

MR. SCULLY said, that he must resume his objections to the Bill, which he characterized as a measure of confiscation. He was, however, willing to discuss the provisions of the Bill, clause by clause.

Clause 1 *agreed to*; as were also clauses 2 and 3.

Clause 4 (Constitution of Elective Drainage Districts).

MR. SCULLY said, that he objected to the words "one tenth," and proposed to substitute for them "one third," having reference to the number of proprietors that were empowered to put in operation the provisions of the Bill.

Amendment *negatived.*

Clause *agreed to.*

Clauses 5 to 12 inclusive were also *agreed to.*

House *resumed.*

Committee report Progress; to sit again To-morrow.

**ROMAN CATHOLIC PRISONERS BILL.**  
 [Bill No. 140.]

**SECOND READING DEFERRED.**

Order for Second Reading read.

MR. HENNESSY said, that he proposed to defer it till the 9th of July.

Motion made and Question proposed, "That the Bill be read a second time on Wednesday, the 9th day of July.

MR. NEWDEGATE said, he would move that the order be discharged.

Amendment proposed,

To leave out from the words "That the" to the end of the Question, in order to add the words "Order for Second Reading be discharged,"

—instead thereof.

SIR GEORGE GREY said that the hon. Member had taken a most unusual course.

MR. WHALLEY begged to second the Motion, and expressed a hope that the House would at once put an end to the Bill for the present Session.

MR. SOTHERON ESTCOURT said, if his hon. Friend (Mr. Newdegate) intended to propose that the order be discharged, the proper course would be for him to make a Motion to that effect on the 9th July.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided :—Ayes 66 ; Noes 26 : Majority 40.

Main Question put, and agreed to.

Second Reading deferred till Wednesday 9th July.

**FORTIFICATIONS AND WORKS BILL.**

**REPORT. FIRST READING.**

Resolution reported.

SIR HENRY WILLOUGHBY said, he thought the proposed expenditure unwise because, assuming that there was danger from our neighbours, the object of the House should have been to get an iron squadron. But if £1,200,000 was to be spent, he contended that the mode of raising the money was inconvenient; and, again, there was no sufficient guarantee how the money was to be spent. There should be in the Bill not merely a schedule, but a specific estimate with every detail, and then, if hon. Members objected to a particular fort, they could discuss it with adequate information. There should also be a provision for a proper audit.

SIR JAMES ELPHINSTONE said, he wished to be informed when the discussion would be taken on the subject. It was desirable that the House should have before it the results of experiments lately made, which had shown that the largest guns might be used on board Captain Coles' cupola ship without jar or detriment to the vessel, thus upsetting the theory that ships could not carry as large guns as forts.

SIR GEORGE LEWIS said, that he was anxious to introduce the Bill, which would be in exactly the same form as that of 1860, and he proposed to fix the second reading for the following Monday.

MR. MONSELL said, the objection to the Bill proposed was that it was exactly in the same unsatisfactory form as the Bill of 1860. If the precedent were followed, for instance, the twenty-two works at Plymouth would all be classed together, and there would be no separate detailed account for each of the ports.

MR. SOTHERON ESTCOURT said, it appeared to be the feeling of the House when the subject was last discussed, that the schedule to the former Bill was a very unsatisfactory one, and he hoped the right hon. Gentleman would be prepared with a detailed estimate.

Resolution agreed to.

Bill ordered to be brought in by Sir GEORGE LEWIS, Viscount PALMERSTON, and Lord CLARENCE PAGET.

Bill for providing a further sum towards defraying the expenses of constructing Fortifications for the protection of the Royal Arsenals and Dockyards and the ports of Dover and Portland, and of creating a Central Arsenal,

—presented, and read 1°; to be read 2° on Monday next, and to be printed [Bill 168].

House adjourned at a quarter after Two o'clock.

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**HOUSE OF COMMONS,**

**Wednesday, June 25, 1862.**

**INNS OF COURT GOVERNMENT BILL.**

[BILL NO. 43.] **SECOND READING.**

Order for Second Reading read.

SIR GEORGE BOWYER said, that in moving the second reading of this Bill, it would be his duty to enter, in accordance with a pledge given to the Attorney General, into an exposition at some length

of the facts and arguments upon which the measure was founded. It was necessary to give some account of the origin of the Inns of Court, because a great ignorance prevailed upon the subject. The common impression on the minds of several hon. Gentlemen with whom he had conversed on the subject was, that the Benchers of the Inns of Court were elected by the Bar. That impression was erroneous. There were four Inns of Court, namely, Lincoln's Inn, the Middle Temple, the Inner Temple, and Gray's Inn. The origin of the four societies was somewhat obscure, and difficult to be traced; but of that it would be sufficient to state that, from the first, they were of the nature of voluntary societies, having never received charters of incorporation; nor, indeed, at the present day were they incorporated, their property being held through the intervention of trustees. It had, indeed, been argued that they were private societies, and that they ought therefore not to be interfered with by Parliament, being in the nature of clubs. The best answer to the argument was that they were now subject to the visitation of the judges, which would not be the case if they were merely private societies. But, moreover, they had of themselves submitted to inquiries by Royal Commissions, more especially in the year 1855. Further, they had many important public duties to perform—they held the keys to the legal profession, which was an avenue to the great offices of the State. The two Societies of the Temple stood on a peculiar ground, because their property had been confirmed to them by a charter of James I., which distinctly provided that it should be held for the benefit of the members of the legal profession, and the general advantage of those societies. The Inns of Court were governed by a sort of Committee, called "Benchers," or "Masters of the Bench." It did not appear how the Benchers were originally chosen; but at the present day they were self-elected, the body of the Bar having no share in their appointment. It was true that it had been usual to call to the Bench all those whom Her Majesty had made her counsel; but that practice was not invariably adhered to; and even if it were, that would not diminish the self-elected character of the governing body. He might illustrate his argument by referring to particular cases, although in doing so he had no desire to go into the merits of those cases. Some time ago a gentleman well known

in London society, of considerable eminence in literature, and deservedly popular with all those who enjoyed his acquaintance, was made a Queen's Counsel. In accordance with usage, he sent his patent to the Benchers of the Inner Temple, expecting, of course, that he should receive the usual honour of being called to the Bench. That was not done; and as one or two other persons were called to the Bench, this gentleman wrote to the treasurer, and asked the reason of his omission. To that letter he received no answer, except an acknowledgment of its receipt and an intimation that it had been laid before the Benchers. Not satisfied, he wrote again, under the reign of a new treasurer, and as he obtained no explanation of his exclusion, which had then become notorious, he applied to the judges as visitors. The proceedings before the learned judges lasted a considerable time, and eventually those who had heard the case declared their unanimous opinion that the Benchers of the Inner Temple had a right to decide whether they would add to their number by any election, and which of the members of the Bar belonging to their society they would add to the Bench by such election. They said, however, that the mode of election by which a single black ball excluded was unreasonable, and strongly recommended the Benchers for the future to conduct their election on some more satisfactory principle. This decision fully established that the right of electing to the Bench was as arbitrary as that vested in the members of clubs. He was told that some change had been made in the mode of election in the Inner Temple, but both there and at the other Inns the power of exclusion had remained as arbitrary as at the time at which this decision was pronounced. The principles of the election were absolutely arbitrary self-election, perfect irresponsibility, and perfect secrecy. These were principles which were not admissible according to the doctrines of constitutional liberty, and such as ought not to be acted upon by bodies having public functions such as those discharged by the Benchers of the Inns of Court, who could refuse either to call a gentleman to the Bar, or to give him, by admitting him to the Bench, the promotion which was a fair object of ambition. Such powers ought not to be exercised in the dark and without responsibility. The duties which the Benchers had to perform might be divided into two classes—first, those which related to the management of

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property belonging to the Inns ; and secondly, others—namely the admission of students and their call to the Bar, and the maintenance of the discipline of the Bar. With regard to the management of the property, he need hardly disclaim any intention of imputing anything like dishonesty or corruption, but he was convinced that the property might have been better administered than it had been. No doubt, his hon. and learned Friend the Member for Guildford (Mr. Bovill), who appeared on that occasion like Cicero, *pro domo sua*, would quote from the Report of the Commission of 1855 an eloquent eulogium pronounced by the Commissioners upon the Benchers ; but it ought to be remembered that the Commissioners were, with one or two exceptions, either Benchers or persons entirely sympathizing with them in feeling and opinion. In the year 1854 the rents of the Inner Temple amounted to £15,227, that Inn not being in the receipt of any dividends ; while in the Middle Temple there were dividends to the extent of £1,644 a year. In the Inner Temple the payments from members amounted to £5,941 ; and in the Middle Temple to £2,875. At that time it appeared that the total annual income of the Inner Temple was £21,168, of the Middle Temple £10,192, of Lincoln's Inn £18,242, and of Gray's Inn £8,343. Now, all that property, though honestly managed, was not managed to the greatest advantage, and to that opinion the Commissioners themselves leant ; for they said—

"It is impossible not to feel some disappointment that such a large amount of gross revenue as arises from the other three Inns of Court should leave so small an available net revenue ; and having regard to the great value of the site of these institutions, a doubt arises whether some mode might not be devised of rendering their property more productive, without departing from the purposes for which these societies were formed."

That was a clear intimation that there was room for improvement. The new buildings of the Temple had been erected in a manner which to some persons appeared to be very extravagant and quite unnecessary for the purposes of the society. The Temple Church had been so renovated, and so bedizened and bedecked that it had now very little interest for persons who were fond of historical, antiquarian, and artistic researches. The paintings inside contained most monstrous errors in history, because in them certain Kings of England were represented as the protectors

of the Church and of the Templars, whom every one knew to have been the greatest antagonists of both Church and Templars. The tiles on the floor of the church represented what was supposed to be a Knight Templar, but the figure was holding his bridle in his right hand and flourishing his sword in his left. It seemed almost impossible that on such a small building the sum of £70,000 could have been expended. [Mr. BOVILL dissented.] Well, he should be very glad to hear that was not so ; but certainly, at the period of the alterations, it was generally believed that that amount had been expended. At any rate, it was quite clear, that had the church been allowed to remain as it was, it would have been an interesting monument of antiquity instead of a specimen of the modern antique. Under the charter of King James the property was intended for the general benefit of the society, but the Benchers were the only persons who benefited by it. The barristers, it was true, might dine in the hall, but that privilege was not in any way an incident of residence in the Temple, and, practically, they were as much strangers as any shopkeepers in Fleet Street who might come in and take chambers. The Commissioners had recommended that the Inns of Court should be converted into a legal university ; but that had not been done. Ordinary members of the Inns knew nothing as to their management. They saw buildings arise, and a vast expenditure going on ; but if they asked any questions on the subject, they would be told to mind their own business. A very costly library had been lately erected in the Middle Temple, notwithstanding the declaration of the Benchers that they had very little money at their disposal ; and that library, though much larger than the old one, did not afford accommodation for the books which the former edifice had contained. Hon. Members as they passed up or down the river must have noticed the building, which was a very tall one, entirely out of proportion, with an angel standing on its front holding a paper. Opinions were divided as to whether the figure was reading a brief or consulting an Act of Parliament ; but some of the public had expressed an opinion, that regard being had to the site, the angel ought to be one of a different description. In honour of its principal promoter, the new library had acquired the name of "Little Bethel." It appeared to him that the great body of barristers from whom the principal resources of those

societies came in the shape of rents and other ways had a fair right to some control over the expenditure, and one of the objects of his Bill was to give them that control, by enabling them to elect a certain number of Benchers, and to elect auditors, who should make a public audit of the accounts, and publish a balance-sheet showing the receipts and expenditure for the year ; and he also proposed that the balance-sheet should be suspended in the hall for the information of all the members of the society. With regard to the preliminary education for the profession, he believed that the Benchers were entitled to credit for the measures they had already taken, but a great deal still remained to be done. There was, moreover, a want of unity in the system which could not be remedied till the Benchers agreed among themselves upon making the examinations on a call to the Bar compulsory. Of course, if one Inn made examinations compulsory, and the others did not, loss of income must accrue to the Inn which did. Having disposed of that part of the subject, he begged in the next place to call attention to the other duties belonging to the Benchers—namely, the admission of students, the power to call to the Bar, and to refuse to call, the discipline of the Bar, and especially the power of disbarring. He was convinced that the time had arrived when a change should take place, and it was for the House to determine whether the plan proposed by him was satisfactory. In the first place the Benchers, having an important jurisdiction, had not powers necessary to exercise it by summoning witnesses and compelling the production of documents. The Commissioners of 1855, in their Report, said—

“ It may be well worthy of consideration, however, whether greater powers should not be given to the Inns for conducting their inquiries, when proceeding to determine judicially as to the admission of students to the Bar, or the disbarring of a barrister. Great hardship may arise to the party whose conduct is in question for want of any power to compel the attendance of witnesses and production of documents.”

The case of Mr. D. W. Harvey, for many years a member of that House, and now Chief Commissioner of the City Police, illustrated the defects in the jurisdiction of the Benchers. That gentleman entered as a student at the Inner Temple, kept all his terms, and fulfilled all the requirements essential to a call to the Bar. But as the Benchers, after a lengthened examination, refused to call him, a Parliamentary Committee was appointed in 1834 to investigate

the question. That Committee unanimously arrived at conclusions opposed to those of the Benchers, and attributed the decision of that learned body to imperfect information, consequent on their inability to compel the attendance of necessary witnesses. That Report was signed by men in the position of Sir Lytton Bulwer, Mr. D'Eyncourt, General Peel, Sir De Lacy Evans, Mr. O'Connell, Mr. Hume, and other well-known Members. Sir De Lacy Evans, in a letter to Mr. Parkes, said—

“ The result, as far as I can recollect, was an unequivocal, unanimous opinion that the plea on which the Benchers had refused the admission of Mr. Harvey to the Bar was utterly unfounded, utterly unjust ; and that the learned body had most grievously erred in their conduct to that Gentleman.”

And General Peel wrote to Mr. Harvey—

“ That he had great pleasure in stating, as a member of that Committee, that the result of that inquiry exonerated him completely from the charges that had been brought against him.”

It was manifest that those who made a charge would always be prepared with evidence to support it; but a defendant was placed in a different position, unless the court could assist him. The jurisdiction of the Benchers was further objectionable, because they had not the power of taking evidence upon oath nor of punishing contempts. The hon. and learned Member for Guildford would remember the inconveniences which had arisen in a recent case, where a witness was actually collared in the most undignified manner by the Benchers, and carried to a police station. [Mr. BOVILL: No, no.] Well, at least he was given into the custody of a policeman, and as none of the Benchers knew what charge to bring against him, he was of necessity released. And yet, without the powers which every court of justice ought to possess, this irresponsible tribunal exercised authority and gave decisions affecting the prospects in life of individuals to a very serious extent. The Benchers, moreover, sat in secret ; and when, in Mr. Whittle Harvey's case, twenty Members of Parliament accompanied him to the door of their chamber, they were denied admittance, and only Mr. Harvey and his counsel were permitted to enter. There might be trifling matters of arrangement which the Benchers could conveniently discuss in private, but all solemn judicial proceedings, where there were accusers and accused, ought to be conducted in the face of the public and before the representatives of the public press. The

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hon. and learned Member for Southampton (Mr. Digby Seymour)—into the details of whose case he would not enter—complained, not only of secrecy of the tribunal, but of its shifting character. Nothing was of more importance than that judges should hear the whole of the case. [Mr. ROEBUCK: Warren Hastings.] Well, in the case of Warren Hastings, it was very well known that justice was not done; and that case was generally mentioned to illustrate the inconvenience of such a tribunal. But for the enormous expenditure while attending prosecutions of that nature they would be little more than a bugbear. In the case of the hon. and learned Member for Southampton, there had been fifteen meetings of the Benchers. These were generally held after dinner, and the following was an analysis of the attendance:—Two of the Benchers attended fifteen meetings, two attended fourteen, one attended twelve, two attended eleven, one attended ten, two attended nine, two attended eight, two attended seven, three attended six, two attended five, one attended four, two attended three, two attended two, and two attended one. A court thus constituted was not satisfactory, and whatever the merits of the hon. and learned Member's case, he had not received a fair trial. The very Benchers, moreover, who had acted as prosecutors, afterwards sat as judges and took part in pronouncing the decision. A power so important as that of taking away a man's means of living and affixing a serious stigma to his name ought not to be lightly exercised, but should be surrounded by all the safeguards which attended the administration of justice. The very best men were not fit to be trusted with irresponsible power. It might be said that an appeal lay to the judges as visitors, but precisely the same defects existed in the visitatorial jurisdiction as in that of the court below. Strictly speaking, the judges were not visitors, because a visitation was an incident at common law of a corporate body, and in their capacity of visitors the judges had no power of compelling the production of documents, or the giving of testimony upon oath. He proposed to remedy the defects of constitution in the Inns of Court by the infusion of the elective principle. In the first instance, under the terms of his Bill, each Bench of the four Inns of Court would contribute three Benchers to a joint court of twelve, making a council of discipline, to which should be

transferred all the special powers of disbarring, &c. now exercised by the Benchers, and which should, in addition, be armed with all the powers of a court of record, to administer oaths and compel the attendance of witnesses. He proposed that the hearings before this council should be public, except when, in conformity with the rule existing in the equity courts, all parties concurred in desiring that the hearing should be private. From that council he proposed that there should be an appeal to the judges, who would sit in public and exercise similar functions to those of the court of discipline. At present the Benchers could only disbar, they had no power analogous to that existing in France and other countries, of suspending a man from practice. He thought that such a power of inflicting secondary punishment might with advantage be introduced, because it was obvious that there were cases where disbarring would prove too serious a penalty, and where, on the other hand, a mere reprimand would be inadequate. The Bill further proposed that the Benchers should no longer be self-electing, but that the right of election should be transferred to some extent to the Bar, which furnished a constituency like that of the Universities, composed of men of education and position, well qualified to decide upon those to whose custody the discipline and honour of the profession might safely be trusted. He did not wish to trench upon existing rights; and he therefore proposed to introduce the elective system gradually. Limiting the number of Benchers, the Bill provided, that as often as vacancies occurred, they should be filled up by elections conducted by the Bar, and not by the Bench. In the present year it was proposed that five barristers should be chosen from each of the Four Inns of Courts to be Benchers. He proposed that to those five there should be no successors. They were only to be appointed for the purpose of bringing in the elective principle. It was urged, that as the existing Benchers had paid considerable sums of money, it would not be just to exclude them from these rights. Therefore he could only introduce the elective principle very slowly. He proposed, ultimately, that in Lincoln's Inn the Bench should be composed of forty-five members; and that of those twenty-five should be elected by the Bar and twenty elected by the Bench. In each of the other Inns the Benchers would ultimately consist of thirty-

five members ; of whom twenty were to be elected by the Bar and fifteen by the Bench. He proposed that the first vacancies that occurred among the Benchers of the Inns of Court, either by death or by a member becoming serjeant, should be filled up by Benchers elected by the Bar ; but he further proposed that those vacancies so to be filled up should not exceed twenty-five for Lincoln's Inn and twenty for each of the other Inns ; so that twenty-five should be elected by the Bar to the Bench of Lincoln's Inn, and twenty to the Bench of each of the other Inns. There were then to be no more elections in Lincoln's Inn till the number of Benchers had been reduced to twenty in Lincoln's Inn, and in each of the other Inns to fifteen ; and such vacancies as occurred among the residue were to be filled by election by the Benchers. With regard to the auditors, they were elected no doubt by the Benchers, but he proposed that they should be elected in a different manner—namely, by the barristers of each Inn. The auditors would be bound to make a report, which, with their balance sheet, would be suspended in the hall for inspection. Everybody knew that no one ought to be allowed to audit his own accounts. The Benchers practically did that, because they elected their own auditor. The election at present was for life. There was no remuneration, but election to the office of auditor was considered a compliment, and he thought it was usual to give an auditor the preference in case of a vacancy among the Benchers. However that might be, he thought the House would agree with him that persons intrusted with an audit of accounts ought to be elected not by the trustees but by the *cestui que trusts*. He proposed that the Judges of the superior courts, or any three of them, should make rules for the election ; and he did not apprehend that there would be any difficulty in working the machinery provided by the Bill. The Bill might be divided into two parts, each of which was entirely independent of the other. One regarded the reform of the judicial part of the functions of the Benchers ; the other, the constitution of the Inns of Court. He knew there was considerable difference of opinion on the latter point, and that many learned gentlemen were of opinion that it would be better to leave matters as they were. It would be for the House to decide that question. He had done his duty in submitting what he considered would be a considerable im-

provement. With regard to the other point, he believed the Benchers themselves were of opinion that some change was necessary. He proposed that the Bill should be read a second time ; and that if on a discussion in Committee the House thought the part of the measure relating to the constitution of the Inns of Court was unnecessary, they should reject it, and proceed with the consideration of the other portion—that relating to the judicial functions of the Benchers.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. COLLIER said, it appeared to him that his hon. and learned Friend would have done much better if he had introduced two separate Bills to deal with subjects which he had correctly stated to be distinct and separate subjects. With respect to the constitution of the Benches of the Inns of Court, it had never occurred to him nor, he supposed, to any Bencher, to deny the right or jurisdiction of Parliament to deal with those Benches. The only question was whether, the change proposed by the hon. and learned Baronet would, in reality, be an improvement. Before asking the House to interfere with the constitution of such ancient institutions as the Inns of Court, the hon. and learned Baronet was bound to make out two propositions—first, that the constitution which he sought to alter had worked ill ; and, second, that those for whose benefit it was proposed to interfere were in favour of an interference. He contended that his hon. and learned Friend had not made out either of these propositions. The Inns of Court, strictly speaking, were not corporations. They were bodies of a peculiar constitution ; and it appeared to him that they had a much greater resemblance to the colleges at Oxford and Cambridge than to Corporations. The Fellows of those colleges elected Fellows ; and in the same manner the Benchers elected Benchers. Was there, then, any thing in the present state of the Bench or of the Bar to call for the alteration which his hon. and learned Friend proposed in those institutions, under which they had become what they were ? He was far from saying that the laws of England were perfect ; but he was justified in asserting that there was no country in which the administration of justice gave more satisfaction. He would ask the oldest Mem-

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bers of that House, whether in their time they could recollect a case in which any Judge—he would not say had been guilty of—but had been even charged with malversation. It would not become him to pronounce any encomium on the profession of which he had the honour to be a member; but he believed the independence of the Bar of this country and the fidelity of its members to their clients were universally admitted. That the Bar had not been viewed with disfavour by the aristocracy was evidenced by the number of those whom it reckoned among its ranks; and that it was not in disfavour with the public was evidenced by the number of gentlemen of the legal profession who had the honour of seats in that House. It appeared to him that there was nothing either in the state of the Bench or the Bar of England which called for a fundamental change in those institutions under which they had become what they were? On what other grounds did his hon. and learned Friend base his demand for this change? He did not allege any malversation or any improper dealing with the funds of any of the Inns. On the contrary, he repudiated any such charges. In the Report of the Commissioners appointed in 1854 were these remarks—

"In justice to the Benchers who form the governing body of each Inn of Court, we are bound to observe that there is every disposition on their part to render the funds of the societies available for the education of the students. . . And we can state with confidence of all the four Inns, not only that we have found no trace of the misapplication of these funds to the personal advantage of individual Benchers; but, on the contrary, we recognise creditable instances of disinterestedness and public spirit displayed by the relinquishment of considerable fees heretofore payable to Benchers holding offices in the Inns."

His hon. and learned Friend blamed the Benchers of one of the Inns for laying out their money on a disagreeable object—a picture in which a knight held a sword in his left hand; but if his hon. and learned Friend referred to history, he would find that the knight in question was left-handed. His hon. and learned Friend said he proposed to confer upon the Bar a franchise of which for centuries they had been deprived. It was very remarkable that the Bar had never discovered the injustice which, according to his hon. and learned Friend, had been done to them. His hon. and learned Friend came forward as the representative of the Bar of England and asked Parliament to con-

fer a privilege on them which, as far as he could make out, not a member of the Bar desired with the exception of his hon. and learned Friend and two other hon. and learned Gentlemen whose names were on the back of the Bill. So far from the privilege being desired by the Bar, it would be so distasteful to them that the great majority of the profession would not exercise it; and the practical effect of the system which his hon. and learned Friend wished to introduce would be, to cause the election for Benchers to be conducted by a mere minority, which would not include the most eminent men at the Bar. He believed that a great number of the Benchers, who were regarded as ornaments to the Inn to which they belonged, would altogether decline the ordeal of a contested election. He believed, therefore, that the practical effect of the measure would be to deteriorate, not to improve, the character of the Bench—to make it not a more faithful but a less faithful representative of the Bar, and to render it unacceptable to the great body of the profession. The present elections of Benchers were conducted by small bodies, thus making each individual responsible to public opinion; but if they diffused the power of election over the entire Bar, the responsibility of each individual would be decreased, and in fact would be so diluted that practically it would cease to exist. With regard to the other portion of his hon. and learned Friend's Bill, the character of the Bench as a tribunal of discipline had been referred to. It was alleged, on the one hand, that the Bench had acted too harshly with some gentleman who had appeared before it; but, on the other hand, it was accused of too great laxity in those very cases. He should leave the contradictory objections to answer themselves, and proceed to the next objection. His hon. and learned Friend had urged an objection against what he termed the secrecy of the tribunal. The tribunal, it was true, was not a criminal court, but one in the nature of a domestic forum; nevertheless, he felt bound to state that, in his opinion, if any man was put on his trial before the Benchers he had a right to demand that the proceedings should be public. He also thought that every man placed in such a position had a right to insist that the tribunal which sat from day to day should be composed of the same Benchers each day, and that only those Benchers who had

heard the evidence should pronounce judgment. But those were provisions which the Benchers themselves were capable of adopting and enforcing without an Act of Parliament. He begged to state to the House—and he did so on authority—that the subject had been under the consideration of all the Benchers, and engaged their anxious attention; and he had reason to believe that all those objections, so far as they prevailed, might be obviated by regulations made by the Benchers themselves, without the interference of Parliament. It might be necessary, after the Benchers had given full consideration to the matter, to apply to Parliament for an extension of their powers with respect to the examination of witnesses and production of documents, but these were questions which required far more consideration than his hon. and learned Friend had given to them. Such a measure should be introduced not by a private Member but by the Government, with the concurrence of those who were to carry it into effect. He was unable to enter upon the case of Mr. D. W. Harvey, which occurred many years ago. In that case the Benchers, no doubt, came to one conclusion, and a Committee of that House to another; but was it a matter of logical necessity that the Select Committee must be right, and the Benchers wrong? The only case in which he had been concerned as a Bencher was a recent and painful case, in which the Benchers were called upon to investigate the conduct of a late Member of that House. Mr. Edwin James was so far from objecting to the jurisdiction of the Benchers that he wrote to them to say that he had been maligned and calumniated, that he desired to have an opportunity of explaining his conduct, and that he should be able to show that he had not been guilty of the offences imputed to him. Mr. James appeared before the Benchers. He did not desire that the inquiry should be public. He was told by the Benchers, that if he desired to bring his friends, or any of them, to protect his interests, he could do so. Mr. James declined to avail himself of that permission. His hon. and learned Friend had talked of the exclusion of the press from these inquiries. At the desire of the Benchers, however, a shorthand writer was present, who took an accurate note of the whole of the evidence, and each morning a printed copy of the proceedings of the previous day was transmitted to Mr. James by the Benchers. Without going

*Mr. Collier*

into the history of that case, he would simply say that after some witnesses had been examined, Mr. James, although invited to give an explanation, retired, and communicated to the Benchers, that if they would not adjudicate in the case, he would retire from practice at the Bar both in England and the colonies. If that proposal had been made earlier, it might have been acceded to; but, after the investigation had proceeded to that point, the Benchers thought it their duty to go on with it. The inquiry had been much talked about, and had been discussed in magazines and periodical papers; but he was not aware that it had been anywhere asserted that the decision of the Benchers was unjust. Another and more recent case, in which an hon. and learned Member of that House was concerned, had been alluded to. He was not a Bencher of the Inn of Court to which that hon. and learned Gentleman belonged, but some of the Benchers who conducted that case were also Members of the House, and they were doubtless prepared to give any explanation that might be required. He could not help thinking that a question of that magnitude, affecting the whole interests of the Bar, ought to have been introduced by higher authority, and after communication with those by whose instrumentality it could alone be carried. He would therefore ask the House, on behalf of the Bar, to reject a measure which was disapproved not only by the Benchers of the Inns of Court, but also by the Bar of Westminster Hall, who united in repudiating the hon. and learned Member for Dundalk as their representative.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

*Mr. ROEBUCK* seconded the Amendment.

*Mr. CRAUFURD* said, he had never known any instance in which the members of an ancient institution which required reform, did not oppose every reform which was not approved of by themselves. The hon. and learned Gentleman had asked them to look at the institution of the Bench as it now existed; but he could not see that the eminence of men upon the Bench and at the Bar had anything to do with the administration of the property of the Inns of Court. His hon. and learned Friend had represented the Bar as opposed to the Bill before the House. It was, however, very

difficult to elicit a general expression of opinion on the part of the Bar, since they had very little opportunity or inducement to consider questions of this nature. There was, however, a pretty general feeling that some change was necessary in the constitution of our Inns of Court. The question before the House on the present occasion was simply the preamble of the Bill, which declared—

"Whereas it is desirable to amend the constitution of the four Inns of Court—that is to say, the Hon. Societies of Lincoln's Inn, the Middle Temple, the Inner Temple, and Gray's Inn, for the purpose of giving to the barristers of those societies a share in and control over their government, and the administration of their property and affairs, and also to provide a fit tribunal, with the necessary powers, for maintaining the discipline of the Bar, and hearing and determining questions relating thereto ; Be it enacted, &c."

He was confident that his hon. and learned Friend (Sir G. Bowyer) did not wish to press this Bill with any unseemly haste. [Sir GEORGE BOWYER : Hear, hear!] And he thought it might be advantageously referred to a Select Committee upstairs if the principle were affirmed on the second reading. He could not agree with his hon. and learned Friend (Mr. Collier) that the Benchers in any degree resembled the Fellows of Colleges. The ancient practice was for the Benchers to select colleagues among the stuff gowns as well as silk, while the modern practice was that every Queen's counsel should be elected a Bencher. The rule had, however, been departed from on one occasion. Recent disclosures of the most painful description had drawn attention to the fact that the character of the Bar did not stand quite so high as it used to do. Had his hon. and learned Friend ever, until lately, known a Queen's counsel disbarred after receiving Her Majesty's patent? Had he ever known until recently a Queen's counsel refused to be elected to the bench of his Inn? These cases were an answer to that general laudation of the profession in which his hon. and learned Friend had indulged, but which in the present day must be taken *cum grano salis*. His hon. and learned Friend had said that the persons accused had declined publicity; and that although no reporters were present, a shorthand writer was in attendance. But where had the public had the opportunity of reading his notes of the evidence? Had the public no interest in publicity in such cases? Certain statements had been published relative to the evidence adduced; but if rumour might ha-

believed, the ire of the Benchers had been greatly roused by the publication of these statements. It was the interest of the public as well as of the profession, that the character of members of the Bar should be above suspicion. Want of care in admitting members of the profession had a good deal to do with the present state of things. When a man had been once admitted, it was a serious matter to deprive him of the means of earning his daily bread. In the case of an hon. Gentleman, still a Member of that House, the judgment of the Benchers against him had been "screened," as it was called—that was to say, published and circulated. The hon. and learned Gentleman in question thereupon challenged the Benchers to publish the evidence, but they had shrunk from so doing—from what motive he could not say. He had, however, been told that the Benchers had not published the evidence because they had been threatened with an action if they did. Perhaps hon. and learned Gentlemen opposite who were Benchers of the Inn would tell the House whether that was the fact. In any event, he did not see how the Benchers could escape from this dilemma. Either their judgment was unfair towards the hon. and learned Gentleman against whom it had been pronounced, or, if the evidence justified the grave charges contained in that judgment, they had signally failed in their duty towards the profession and the public in not following it up by a sentence of expulsion from the Bar. He trusted that the House would affirm the principle which the hon. and learned Member for Dundalk had proposed for their acceptance—namely, that the constitution of the governing body of the Inns of Court required amendment. The Bill could then be referred to a Select Committee to consider its machinery and details.

MR. MONTAGUE SMITH said, he fully agreed with hon. Members in thinking that the public were largely interested in the good government of the Bar, and the only question then before the House was, what was the best mode in which that Government could be carried on? He was aware that a number of arguments might be used in favour of such a court of discipline as the Bill proposed; but in all those cases the question was with respect to the balance of advantages and disadvantages; and he submitted that it would require a much stronger case than had been made out to induce the House,

without a single request or petition from the Bar, and with the feelings of the Benchers strongly opposed, to impose such a change upon that body as the hon. and learned Gentleman called upon them to do. A case had been mentioned in the House which led his hon. Friend the Member for Ayr to say that some change was desirable. He could not forbear, after such a statement, to refer to that case—a recent and a painful one—which had been brought before the Bench of the Middle Temple, respecting an hon. and learned Member of the House (Mr. Digby Seymour). He was quite sure that the gentlemen who acted upon that inquiry approached it with a sincere and earnest desire to do what in their judgment was just and fair in the matter. It was said that the tribunal was secret. All he could say was, that the hon. and learned Gentleman who was the subject of the investigation did not desire that it should be public, or that the inquiry should be conducted otherwise than in conformity with what had long been the practice of the Bench. The hon. and learned Gentleman, indeed, not only submitted to the tribunal, but even requested that another inquiry, which was going on upon his own circuit, might be deferred until the judgment of the Bench had been given. He knew perfectly well the constitution of the body which was to decide his case; he knew the mode in which it would act, and he submitted to the course of procedure, which was justified by the precedents of the Bench—namely, that the inquiry should be secret. He (Mr. M. Smith) would not say one word upon the merits of the case. It was sufficiently painful to have had to decide upon it, and he was quite sure that upon the discussion of a Bill simply relating to the good government of the Inns of Court, the House would forgive him if he did not attempt to enter upon the merits of a particular case. The mode, however, in which the investigation was conducted was one on which he might offer explanations to the House, and which might also be fairly commented on by the hon. and learned Member himself. It was said that the inquiry took place after dinner, from which it was to be implied, he supposed, that the Benchers sat at a time when their judgments were not so well fitted to decide upon an important matter as they would be at an earlier period of the day. Well, that was a reproach which the Bench must share with that House, in which the most important delibera-

tions and discussions took place after they had dined. It might, however, be interesting if he told the House the mode in which the Bench conducted those inquiries. What was done was this:—The Benchers dined at half-past five; at seven o'clock every trace of the banquet was removed, the treasurer took the chair, and business was proceeded with in the most regular and formal manner. It was impossible to get gentlemen who were largely engaged during the day to attend at any other time. Another charge was, that the members were varying in their attendance. It would be much better that that should not be the case; and since attention had been called to the matter, he trusted care would be taken for the future to remove that cause of complaint. Though in a recent case the attendance was varying, the evidence taken was printed at the end of each day, and distributed among the members of the Bench; and he would undertake to say that not a single member gave his decision without having most carefully and anxiously read the evidence. He himself had not been able to attend at the commencement of the inquiry; but having met the hon. and learned Member for Southampton in the robing-room of the courts, and having told him that he had not read the evidence, and therefore did not intend to take any part in the proceedings, the hon. and learned Gentleman said, "You know it is all published; you can read it;" and he expressed a wish that he should attend. Having, therefore, attended after that request, he paid the most anxious attention to the case, and his vote was not given until he had carefully read and weighed the evidence which had been circulated. It was hardly in the power of the hon. and learned Member, however, to complain of the varying attendance of the members, for his attention had been called to the matter, and he expressed the most anxious desire to have the inquiry proceeded with. He held in his hand the minutes of the proceedings, a copy of which was furnished to the hon. and learned Gentleman every day, and he there found that after the eighth meeting the treasurer said to the hon. and learned Gentleman, "According to our rules, a quorum of nine is required. We are only seven. Would you wish that we should proceed?" And the hon. and learned Gentleman's reply was—

"I certainly do not demur to the jurisdiction. My anxiety is to get this matter closed as soon as

*Mr. Montague Smith*

possible ; it presses with great weight upon me, and although there are only seven present, the evidence will be read by the others. I have no objection ; and if there be any objection on the part of others, I pray that it may be waived for my sake."

An objection had been urged that the Benchers ought to have disbarred the hon. and learned Member for Southampton or acquitted him altogether. But was there no middle course ? In all other professions, in which discipline was exercised by a governing body, there was a middle course. In the army an officer might be simply reprimanded or reprimanded severely ; indeed, in the army there was every grade of punishment and censure between the cashiering of an officer and his entire acquittal. Take the case of attorneys. If an attorney was brought before the court for something which he had done inconsistent with the practice of his profession, the court might strike him off the roll ; but it very frequently happened that the court did not take that extreme course, and directed that he should not practice for a certain number of years, or that he should pay the costs of the application, or it would censure him for what he had done. Take another profession—that of the Church. Was there no intermediate punishment between depriving a clergyman of his orders and absolute acquittal ? Had they not ecclesiastical censures, and cases of clergymen who, after being suspended for a given number of years, returned to the performance of all the offices of their sacred profession ? But, unfortunately, in this case the Benchers of the Middle Temple, by taking a middle course, had pleased neither one party nor the other. Nevertheless, the judgment to which they came was what in their conscience they believed the right one. Were they to visit a man too severely for that which was stated to have been done several years ago ? It was impossible to rely upon some of the evidence with regard to facts which took place six or seven years ago. [Mr. DIBBY SEYMOUR : Nine or ten years ago.] But other facts appeared upon evidence too plain to be gainsaid, which required notice, and therefore, upon the whole, they came to the conclusion that it was their duty to take a middle course. The hon. and learned Gentleman, might, if he liked, appeal from the decision of the Benchers to the judges, and surely the House would think that those eminent dignitaries, free from all passion and prejudice, would form the most competent tribunal which

could be conceived to decide upon the appeal. He now turned to the other provisions of the Bill. As for the proposal to make the Benchers elective, he trusted the House would pause before they subjected the profession of the law to anything so uncomfortable as a popular election. At present the Bar was an harmonious body. [A laugh.] His hon. and learned Friend (Sir George Bowyer) laughed, but he was hardly a member of the Bar ; he was an outsider—[Sir GEORGE BOWYER : Hear, hear!]—and he could hardly judge of their feelings. He repeated that the Bar was an harmonious body, and it was much to the credit of the Bar of England, that although running the same race and for the same great prizes, there was usually to be found the best personal feeling among its members. He did not know anything which would so much interfere with that feeling as making the Benchers elective by the Bar. High-minded men would not submit to canvass for the election—they would have constant and indirect canvassing going on, and heart-burnings and jealousies which did not now exist. But the Benchers, properly speaking, were not self-elected. It was the Crown who virtually placed the Members of the Bar upon the Bench. It selected those whom it chose to honour by making them counsel for the Crown, and the Benchers raised the members so honoured to the Bench. It was said there were too many Benchers in that House, but that appeared to him to be an argument in favour of the existing state of things, because it showed that the Crown and the people concurred in bestowing honour upon the same persons. For the reasons which he had stated, he hoped the House would not consent to the second reading of the Bill.

MR. WALTER said, that as one of that numerous class of barristers called by the hon. and learned Gentleman "outsiders," and not having the most distant prospect of attaining that elevated position to which it was the object of the present Bill to facilitate the access of barristers, he might, perhaps, be allowed to give expression to the views which he had formed after attentively listening to the discussion, and to state the course which he would recommend his hon. and learned Friend to pursue with respect to the Bill now before the House. As for the reconstitution of the Inns of Court, he was disposed to agree with the remarks which had fallen from the hon. and learned Gentleman who

had just sat down. He had not himself the smallest wish to be intrusted with the elective franchise which the Bill would confer. Every man's happiness was pretty much in an inverse ratio to the extent of his professional acquaintance with the gentlemen of the long robe, and the probability was, that the business of canvassing for the appointment of Benchers would fall into the hands of attorneys, who would pester every barrister they knew in order to promote the election of their friends. That would be one of the greatest annoyances to which the Bill of his hon. and learned Friend would subject them; and he had heard no arguments which would induce him to rush into such a scheme for the reconstitution of the Inns of Court. With respect to the second part of the Bill, he agreed very much with the object of his hon. and learned Friend. In all probability they would never have heard of the Bill but for the very painful and unhappy inquiries that had lately taken place. He believed the interest taken by the public in the Bill was mainly confined to this point, whether the administration of domestic justice by the Benchers was satisfactory to the public and fair to the accused. In his opinion, the present arrangement did not work in a satisfactory manner, and he thought it was for the interest of the public that those who were put on their trial before the Benchers should receive the benefit of a public inquiry. It should be remembered that barristers were a privileged body, and their privileges affected the whole community. Every man was liable to be put on his trial in matters in which his life and property were involved. His life and property were placed in the hands of a privileged class practically appointed by the Benchers. If it were open to the public to select their own advocates, the public would have nothing to complain of. But, considering that the public were really in the hands of the Benchers, and their interests in the hands of men whose character was guaranteed by the Benchers, they had a right to know by what means they were deprived of the assistance of those men, or, in case suspicion attached to them, whether those suspicions were well-founded. The hon. and learned Gentleman, in referring to a middle course, mentioned the case of clergymen. But the analogy failed, because, although it was true that a clergyman might be suspended or deprived of his functions, he was subjected to neither pun-

ishment without a public examination before a public tribunal. He contended that the same rule should obtain with respect to barristers. The examination ought to be of a public character, the Benchers ought to have all the means and appliances possessed by other tribunals, and whatever grounds they might have for suspending or disbarring a member of the profession ought to be easily accessible to the public. Some remarks had been made about the time of day at which these investigations took place. He would only observe on that point that the Roman poet had said—

“——Male verum examinat omnis  
Correptus judex.”

It might happen, however, that those post-prandial inquiries were more favourable to the accused than to the accuser. At all events, the public feeling of the country was such that it would no longer submit to see a man's character taken away by a secret tribunal of that sort without knowing whether justice was done in the case or not. He could not vote for the Bill of the hon. and learned Member, because it embraced two subjects of an entirely different character, with one of which only he thought they should attempt to deal, and because it would not be easy to say how the two things so mixed up would work together. He would therefore strongly recommend his hon. and learned Friend to withdraw the Bill for the present, and to reintroduce it next Session, not with a view to the reconstitution of the Inns of Court, but in order to secure that openness and fairness which existed in all other courts.

THE ATTORNEY GENERAL said, it appeared to him that the hon. and learned Gentleman who had brought in the Bill had wholly failed in showing that there was any practical mischief to be remedied. He had never heard a case in which there was so little apparent conviction, even in the mind of the mover, of its being well-founded. The hon. and learned Gentleman had spoken of the subject of education, and of the management of the funds of the Inns of Court; but he had not stated what efforts had been made by the Benchers of late years to promote legal education in the profession. The hon. and learned Baronet had probably heard of the Council of Education—[Sir G. BOWYER: I was one of the lecturers myself.] Well, then, was the hon. and learned Baronet aware that in 1860 and 1861 the contributions of the four Inns of Court for the purposes of education

amounted to between £2,000 and £3,000 per annum, in addition to the fees paid by students, and that considerable sums were now applied in support of a number of scholarships? He thought that with reference to that important part of the functions of the Inns of Court no substantial grounds of complaint existed. With regard to the expenditure, the hon. and learned Baronet, when he introduced his Bill, absolved the Benchers of the different Inns from any suspicion of unfair dealing with the funds, and no real grievance in connection with the management of the funds was made out. He was not disposed to deny that some suggestions of the hon. and learned Baronet might be well worthy of consideration. In many cases it might be desirable that the tribunals which had to investigate the conduct of members of the Bar should not be dependent on the voluntary attendance of witnesses, but should have the power of compelling their attendance. That was, however, but a small part of the hon. and learned Member's proposition, and he could not, because he might approve that, affirm the other main principles of the Bill. With regard to the question of publicity, he was not prepared to say that on some occasions publicity might not be desirable and just; but that was a point on which it was perfectly competent for the Inns of Court to lay down a rule of practice for themselves. By the 9th clause of the Bill it was proposed that the judges should sit in open court, unless all the parties agreed that the cases should be heard in private; and consequently the hon. and learned Baronet himself recognised the propriety, more or less, of an inquiry being conducted with closed doors. It did not appear to him that the hon. and learned Baronet had established a case of real and practical grievance, calling for the interference of Parliament; but, if evils existed, the remedy devised by the Bill was one in favour of which scarcely any one hon. Member had spoken. It was proposed that in future about one-half of the Benchers should be elected by the Bar, and the other half by the Benchers. Not a single petition had been presented from any member of the Bar in support of such a plan, and he had not been able to discover that any section of the Bar was favourable to it. Unless the hon. and learned Baronet could satisfy the House that the Benchers elected in the way suggested would be better fitted for

their duties than the present Benchers, the scheme naturally fell to the ground. That had not been attempted to be proved, and probably it would not be the case. What was the present practice? Whenever a gentleman at the Bar obtained distinction, and had a silk gown conferred on him, he within a short period afterwards was called to the Bench of the Inn to which he belonged. That was the general rule, almost without exception. The result was, that those persons in the profession became members of the Bench who had given the best and most satisfactory proof which could ordinarily be given of their fitness for the position. But it must not be supposed that it was from that rank only that Benchers were formed; for from time to time elections to the Bench took place from the "utter Bar"—from the body of barristers who had not obtained the distinction of the silk gown; and in that way the Benchers were enabled to obtain from time to time the valuable services of men of long standing, probity, and character, who, on personal grounds, had not thought fit to enter into competition for the distinctions of the profession. There was another class to which the Bench was open; he meant that class of persons who, called to the Bar in early life, had not practised as barristers, but had obtained distinction in other careers, such as Jeremy Bentham and Hallam. The one had sat at the Bench of Lincoln's Inn; the other at that of the Inner Temple. Was it supposed that election by the Bar would be a better mode than the present of choosing members for the Bench? Unless that was made out, a consideration of all the evils consequent on what was called popular election—its turmoil, excitement, and vexations—was sufficient to deter the House from entering on the proposed experiment. Thinking that no case had been made out to justify the passing of the present Bill, he should vote for the Amendment.

MR. DIGBY SEYMOUR: Sir, I feel myself placed in a position of considerable difficulty; for if I remain silent on the present occasion, an unfair and unjust construction may be put on my silence, not by any persons in this House, but by those who might peruse the debate in the newspapers. It is very painful to me to feel that my name is connected with the present discussion from the beginning to the end; yet it is a satisfaction and consolation to reflect, that if it is now too late to

do me justice—though I trust it is not—some good may be derived from the circumstances which have led to the introduction of my name into the debate. Without entering generally into the merits of the Bill, I heartily hope that the hon. and learned Baronet who has charge of it will, at all events, not retire from the position which he has taken up without, at least, obtaining a pledge, now that attention has been drawn to the subject, that an endeavour will be made in this or in some other form, to cope with the evils which exist. For myself, I do not shrink from the responsibility of saying that the system as it works at present is one under which it is almost impossible for any man who has made himself politically or professionally obnoxious, to expect impartial justice. I do not accuse any individual, but I blame the system. It is perfectly true that I did accost the hon. and learned Member for Truro (Mr. M. Smith) in Westminster Hall, and having a high respect for his personal character, his fairness, and impartiality, and feeling at the time great agony of mind in consequence of the course of an inquiry in respect to which prejudice was doing more than proof, I asked the hon. and learned Member, as a Bencher of the Inn to which he belonged, to be present at the investigation and hear the charges which would be brought forward under circumstances which I might designate as atrocious. It would have been all very well if the matters made the subject of charge had occurred only one or two years before. It would have been all very well, if I was only wearing a stuff gown and was fighting my way as a junior barrister, to select that time to investigate these matters if there was any ground for investigation. But it was a different thing when seven, eight, or nine years had passed away, when some men were in their graves and could no longer be called to give evidence, and when the ocean rolled between this country and other men who might have given important evidence in my behalf. One fact must be remembered, that for many years past there were members in my profession—members of the Bench, of the Middle Temple, and of the Northern Circuit—who were aware of all the circumstances which were afterwards used as the foundation of charges against me; and if I do not complain of individuals, I do complain of that secret system which enables persons behind a man's back, with-

out signing the bill of indictment, to promote a charge against him from motives it is not impossible to fathom. From this moment I will place the case in the hands of the House, and the House will judge whether or not I have acted best for my own character in not asking for a Committee of Inquiry; and if the House should think that I have not taken a proper course, I shall rejoice if a Committee should then be appointed to investigate the entire matter. The first charge, in point of time and gravity, has reference to the end of the year 1852 and the beginning of 1853, and is to the effect that I was guilty of an act which, if there existed the remotest ground for concluding that there was one word of truth in the imputation, would have justly subjected me to be flung from the profession of the law as a rotten branch, and have rendered me unworthy to continue a Member of this House. This charge was, that in February, 1853, when I was chairman of a company in the City, called the Waller Mining Company, I, without the consent of a brother director, broke open and abstracted from a strong box, belonging to the late Captain Robertson, securities to the amount of £2,000 or £3,000 in value, and deposited those securities for the purpose of raising money on my own private account. A charge more monstrous could hardly be made; and it is one which shows the evils of the system to which the present Bill relates. I say that no member of the Bar ought to be placed on his trial upon such a charge, unless the parties instituting the trial were satisfied that there was some basis for so monstrous an accusation. But what was the basis in this case? Had this gentleman—Captain Robertson—a strong box? There was no proof of that; it was all assumption. Were the securities taken by my hand? Again there was no proof—only assumption. Were the securities applied by me to raise money for my own use through a broker in the City? This, again, was all assumption; and nobody was called to prove it. The imputation was made, but not a particle of proof was adduced; and a letter written in the course of the inquiry by a gentleman, in which he stated something he had heard another gentleman say before he died in 1854, was the only ground for the infliction of this cruel imputation! But how did I meet the charge? By joining issue on every point and demonstrating my innocence. It was my misfortune in an

*Mr. Digby Seymour*

evil hour when Member for Sunderland to become chairman of a public company ; and I thoroughly deplored the circumstance, for the business of my profession and my absence on circuit rendered it impossible for me to attend to the duties of the office. In the beginning of the year 1853 my co-directors in that company, having formed some connection upon the Stock Exchange, entered into transactions which I did not understand and with which I distinctly refused to connect myself. They engaged in buying up shares and involved themselves in large liabilities. Having received messages to come up to town, I attended the board of directors before one of the settling days in February, 1853, and the directors told me that they were afraid that there had been some treachery in their own ranks ; that they expected that on the next settling day some shares, involving large liabilities, would be delivered, for which their brokers would, in consequence, be responsible. I told them that they had signed an agreement to which every one of them was a party, but to which my name was not attached ; but that though I was not legally bound, I felt it my duty to save the credit of the Board, and that therefore, whatever might be the risk and difficulty, I would join them and share the responsibility. I then said to the directors, among whom was Captain Robertson, whose imaginary strong box I am accused of having broken open, " Bring up your securities, and assist me in getting money." Upon the following day Captain Robertson brought up three debentures of the Army and Navy Club—the maximum price of which was never more than £300, instead of £3,000—and handed them not to myself, but to a gentleman now alive, a director of the company, who had charge of the securities. I handed in securities of my own to the value of £15,000 or £16,000, and they were all put together with other securities of other directors for the purpose of meeting the difficulties which were imminent. The settling day came ; Captain Robertson was absent from illness, but I was there. The anticipations proved true. Shares were delivered which the brokers did not expect to receive. The consequence was, that on some of them losses were falling, and to others there was a prospect almost of ruin. There was one gentleman, Mr. Helps, an old member of the Stock Exchange—a gentleman, I am glad to say, now living—who had purchased shares,

but not for me, who sent over word in the afternoon, that if he did not get £2,500 in the course of half an hour, he should be declared upon the Stock Exchange. I proposed to my fellow directors that we should go to Messrs. Price and Brown, of No. 4, Change Alley, and request a loan of money on our securities to pay this debt. Under these circumstances we were taking out our securities, when some one said, "Here are Captain Robertson's debentures." I said, " You can take them ; I will take my own, and be responsible for my own acts in this matter." Accordingly, accompanied by two of the directors, I went, carrying the bundle of my own securities, and those gentlemen carrying those of Captain Robertson, to Price and Brown, who, on the deposit of all those securities, handed over a cheque for £2,500, which never was in my hands, but was handed by them to Mr. Helps to pay his debt. Not one shilling of that money did I ever receive. Not one shilling of that debt did I owe. When I was before the Benchers on this charge, I called Mr. Price ; I called Mr. Helps ; and I called some of my brother directors. Moreover, I was able to produce a letter written months after these securities were deposited, in which Captain Robertson addressed me as " Dear Seymour," and applied to me to assist him in obtaining terms of compromise and redeeming these securities. I handed the letter to the Benchers, who required a witness to the handwriting ; and when they had an affidavit of Messrs. Cox and Greenwood's clerk, it was proposed to adjourn the inquiry in order to take his oral evidence ! Such was the case of Captain Robertson ; and what was the verdict of the Benchers with respect to it ? It was " Not proved." Now, I want to know how is a man to cope with false accusations if his brother barristers, after evidence like that, and with a case so weak as a charge and so clear as a defence, are content to find a verdict of " Not proved," and refrain from speaking out like Englishmen, declaring that their unanimous decision was " Not guilty." But this is not all of which I complain ; for after this equivocal verdict I complain of the subsequent comment of the Benchers respecting the " recklessness of my assertion in venturing to take credit for doing an act which was little short of romantic generosity." If the Benchers had told me that they intended to dispute my veracity in their Parliament Chamber, I would have been prepared to produce the broker's notes,

and other evidence, showing what liability I had taken on myself. I complain of the gross injustice of the judgment of the Benchers, and I think the House will not blame me for taking this the first opportunity of explaining the nature of Captain Robertson's case, and of declaring how cruel an imputation has been made on my veracity, simply because the Benchers thought that the generosity I laid claim to was too "romantic" for lawyers to believe!

Another matter mixed up with this inquiry is called "Coutts's case," with respect to which there was not a particle of evidence except an alleged conversation, held seven years ago, with a former agent of the Carlton Club. The charge was that I had deposited shares belonging to the company I have just mentioned, of which I was chairman, at Coutts's bank, to raise money which I put into my own pocket. The proof was, that in answer to a question some years ago, as to who were the chief holders of Waller shares, I named Coutts's bank. On this slender basis was at once raised the foul and ludicrous charge which the Middle Temple Benchers called on me to answer! My answer to that was, that the shares so deposited were voted to me by the board of directors as payment for enormous advances, for which I had never been repaid; and that every shilling I had raised at Coutts's had been applied by me as a further loan to that very company, and was raised on shares of which I alone was owner. I produced as a witness a director of the company—a Middlesex magistrate, well known to many Members of this House, Mr. Edmund Halswell—who actually moved the resolution by which those shares had been put absolutely at my disposal; and I handed in a letter from Messrs. Coutts, who stated that neither directly nor indirectly were they parties to the inquiry before the Benchers. What I complain of is, that when I was put on my trial, use was made of the name of an ancient and honourable firm in connection with the transaction. "Coutts's case" was no more "Coutts's" than "Robertson's case" was "Robertson's"! With regard to the system of inquiry by the Benchers, I complain that it is unsatisfactory, as some members attend on one day and do not attend on another. The hon. and learned Member for Truro (Mr. M. Smith) said that on one occasion I consented to the continuance of the proceedings when only seven members were present; but I was

exhausted, having waited so long to meet the charges—charges which, if made in any court of justice, would have been scouted. Sick at heart, and weary of so prolonged an investigation, I did consent to the inquiry going on; but does that prevent me from now complaining of a system under which such a state of things could be tolerated? It is impossible that printed evidence can supply the place of the *viva voce* testimony of witnesses. There is something in the manner of men, and in their mode of giving evidence, which is favourable to the ascertainment of truth. But that is not all; for, if the Benchers had published the evidence taken before them, it would have been seen that they have so mixed up the cases together, and produced such a confused and inextricable medley, that I defy the hon. and learned Member for Truro to assert that any man reading the printed evidence alone could arrive at the same satisfactory judgment as he could have done had he been present and heard the witnesses.

I have now to inform the House that there was a third charge brought against me. It arose out of an alleged compromise of an action brought against me several years ago, which, in the formal language of special pleading, imputed to me a breach of trust as to which the evidence of my accuser demonstrated my innocence. My answer, among other things, to the Benchers was, that if I had acted imprudently or injudiciously in consenting to terms of peace in that action, at all events I had for my counsel two of the ablest men at the Bar—Mr. Serjeant Shee and Mr. Randal Bennett—who considered that my honour would be safe in agreeing to what they recommended. They advised me to accept the compromise, and I acted upon their advice. A learned judge, now living, Mr. Justice Wightman, suggested that course being taken. The Benchers have acquitted me upon that charge, as well as upon the two others, but I ask the House whether there was not something wrong in their whole proceedings. In England we have tribunals for the trial of almost every species of offence. Let the Benchers inquire into alleged professional delinquencies if they please, but I contend that I ought not to have been placed upon my trial under the circumstances as they stood; and, at all events, before placing me upon my trial, the Benchers should have been impressed with a higher sense of the gravity of the charges brought

*Mr. Digby Seymour*

against me, and should have shown some little commiseration for my outraged feelings on hearing such an accusation. It has been said that I pleaded guilty to some of the charges. But what did I " plead guilty " to ? To nothing for which I need blush. I have told the House that I took upon myself enormous liabilities in 1853. Those liabilities were so heavy, exceeding £20,000, that although I was able to pay off a great many of them, the remainder nearly oppressed me, and I was obliged to apply for terms from my creditors. The difficulties under which I laboured at that time were not brought upon me by any dishonourable conduct on my part, but were the result of that act of "romantic generosity" of which the Benchers think me incapable. In 1855 the attorney of a gentleman who held my undertaking to pay a large sum arising out of those very matters put himself in communication with me. I settled the principal debt, and, in writing to the attorney, who I then thought was a personal friend and client of my own, I suggested to him that his bill of costs was heavy, and stated that I should be happy to hold any briefs which he might intrust to me, setting them off against the amount of his claim. In making that suggestion I may have committed a thoughtless act; but the case was one in which, if professional etiquette pointed one way, personal honesty pointed another; and the worst that can be said of me is that I considered how I could most expeditiously pay my debts, rather than whether I might not offend against some abstract and indefinite rule of the profession. For upwards of sixteen years, through good and evil report, I have worked my way steadily at the Bar, and the only charge, after a twelvemonths' inquisition, established against me, is that on one occasion I offered to hold briefs to pay a debt honestly due ! Some time ago a statement—I will not now call it a libel—reflecting upon my character, appeared in a legal publication. Glad to seize the first opportunity of vindicating myself, I have called upon the author to justify his imputations. That is the second challenge I have given. My first demand was that the Benchers should publish their proceedings ; my next step has been to call upon those who accuse me to prove their charges. I now place myself in the hands of the House. My guilt, if it can be proved, would reflect upon the aggregate honour and dignity of any assembly of which I may happen to be a

member. Already I have appealed to a jury of my countrymen, but I should be only too glad to adopt any other course which, if followed by a favourable result, might give me the hope of recovering those friendships that seem now estranged, and that position in this House to which, owing to the rank I hold in my profession, I may be fairly entitled to aspire.

MR. BOVILL : Sir, as the only Bencher of the Middle Temple who has the honour of a seat in this House, I wish to make a few observations in reply to the statement of the hon. and learned Gentleman. Out of respect to the House, I shall not attempt to enter into the merits of a case which formed the subject of an investigation extending over fifteen days, and the evidence in which fills no fewer than 700 printed pages. When, however, the hon. and learned Gentleman arraigns the conduct of the Benchers of the Middle Temple, when he complains that we had no right to enter upon the inquiry at all, and when upon that ground he asks the House to deprive the Benchers of a power which they have wielded with satisfaction to the profession and the public for so many years, I feel that I am bound to state the reasons why we deemed it to be our imperative duty to investigate the charges brought against him as a member of our Inn. It is not my intention to enter minutely into the particulars of each of those charges, or to explain how they came to the knowledge of the Benchers. There is one case, however, which will show beyond the possibility of doubt that it behoved the Benchers to institute an inquiry. Some time ago a serious charge against the hon. and learned Gentleman was brought before a committee of the circuit to which he belongs. It was no less than a charge of having defrauded a Mr. Parker of £500, and of having allowed, without defence, a judgment to be filed in Court against him upon that charge. An investigation took place before the members of the Northern Circuit. Mr. Parker was examined. The hon. and learned Gentleman denied the truth of the charge, though he acknowledged that he had permitted a judgment to pass against him, whereupon Mr. Parker at once said, that if his word were disputed—if there were any doubt about the charge of fraud, he would withdraw the judgment which he had obtained, and try the case before a jury. The hon. and learned Gentleman had thus an opportunity of trying the case before a jury, but

up to the present hour he has not availed himself of it.

MR. DIGBY SEYMOUR: I have accepted the challenge.

MR. BOVILL: The hon. and learned Gentleman says he has accepted the challenge, but the judgment remains upon the files of the court, and by his own admission he has been guilty of fraud.

MR. DIGBY SEYMOUR: The judgment is not on the files of the court.

MR. BOVILL: It may have been removed temporarily, but at the time the Benchers of the Middle Temple were called upon to investigate the accusations brought against the hon. and learned Gentleman there was a judgment on the files of the court, in an action which charged him with having defrauded Mr. Parker of £500, he having admitted that charge to be true. The hon. and learned Gentleman, moreover, was challenged to have the case tried before a jury, but he had declined to avail himself of the opportunity. Under these circumstances will any hon. Gentleman in this House venture to tell the Benchers of the Middle Temple, that there being upon the records of the court a judgment which charged one of the members of their Inn with fraud—a charge, remember, which was admitted to be true by the person against whom it was brought—they were not entitled to institute an inquiry into the matter? Let me remind the House, too, since a discussion has been provoked by the hon. and learned Gentleman, that he holds the position of a judge, being the Recorder of an important Borough. After the statement which he has just addressed to the House, I feel bound to ask the Government whether they do not think that some inquiry should be made into the charges which have been brought against him. We are not now considering the details of those charges, but there are one or two points to which I may be allowed to refer. The usual practice, when a member of the Bar obtains the rank of Queen's counsel, is that he sends the patent to the Benchers of his Inn, prior to an application for a seat on the Bench. When the hon. and learned Gentleman obtained the rank of Queen's counsel, he did not send in his patent, nor did he venture to present himself to the Benchers in the ordinary way. It was also known to most members of the Middle Temple, and indeed was current in the profession at the time, that he had endeavoured to be made a serjeant at law,

and had not been successful. What happened then? After a critical period in this House the hon. and learned Gentlemen, who wanted to be a serjeant, had conferred upon him the rank of one of Her Majesty's counsel. The failure of the hon. and learned Gentleman to send in the patent which made him a Queen's counsel naturally produced an impression that there must be some cause for it, but there is no foundation for the statement, that in resolving to enter into an inquiry, the Benchers of the Middle Temple were actuated by any feeling of personal animosity. We did not suggest the charges against the hon. and learned Gentleman; the charges were presented to us, and it was our imperative duty—a duty from which we could not escape—to investigate them. I am not authorized to say who sent the first communication to us; but I may state that the communication of these facts which prevented the rank of serjeant being conferred upon the hon. and learned Gentleman was placed before the Bench, and was the foundation of our proceedings. The conclusion we came to was, that the facts and circumstances which justified the exclusion of the hon. and learned Gentleman from the rank of serjeant ought to be investigated, and no one can doubt, that considering the gravity of the charge brought against him in the Parker case, the proper course for the Benchers to pursue was to institute an inquiry, and, if satisfied of the truth of the accusation, to disbar him and expel him from the profession. An inquiry took place before a committee of the Benchers; Mr. Parker was examined. During the whole of those proceedings there was a judgment on the records of the court—where, for anything I know, it still remains—convicting the hon. and learned Gentleman of fraud. But the Benchers did not accept his own admission of guilt as conclusive of the fact; on the contrary, they went into all the circumstances connected with the judgment, and they offered the hon. and learned Gentleman every opportunity of explaining why he had submitted to it. Moreover, they gave him the benefit of every doubt which could be suggested in the case, and eventually they did not find him guilty, but pronounced the charge not proved—the fraud not established. Is the hon. and learned Gentleman now prepared, in the face of the evidence produced against him, to ask the House to express the opinion that the Ben-

Mr. Bovill

chers ought to have pronounced him not guilty? If it was proved by facts admitted by himself that he had received money for one purpose and had applied it to another, is he to complain that the Benchers, while finding the charge of fraud not proved, censured him for the mode in which he dealt with the cash? Surely if we thought upon the evidence adduced that the hon. and learned Gentleman was deserving of censure, it was our bounden duty to express that censure. It is all very well for the hon. and learned Gentleman to ask the House to express an opinion upon his own version of the facts. I do not desire to follow him into the particulars of each individual case, but the charges brought against him were of a very serious character. The Parker case I have stated. The Robertson case was neither more nor less than a charge of stealing securities. Does the hon. and learned Gentleman mean to say that such a charge, when brought against a person lately made a Queen's counsel is not to be investigated by the Benchers of the Inn to which he belongs? In the other case, the charge was that he had misappropriated certain shares in a Company, of which he was a director, and had used them for his own purposes with the Messrs. Coutts. Will any man venture to say that that is not a charge which ought to be investigated? Such are some of the matters which were brought before the Benchers of the Middle Temple. The only course which could be adopted, as it appears to me, was that a committee should ascertain whether there were good grounds for investigating the charges. We adopted that course, and what was the result? The Committee came to the conclusion, in the first place, that there were not sufficient grounds for inquiry into various matters, other than those I have mentioned, which had been brought under our notice. Does that show any desire to place the hon. and learned Gentleman on his trial without proper cause? Yet he asks the House to express the opinion that the Benchers were wrong in putting him upon his trial at all. I now come to the mode in which the inquiry was conducted. The regulation in the Middle Temple is that in cases of this description there should be nine members present, and that the same nine members should attend throughout the inquiry. From the length of this investigation and the varied subjects brought under the attention of the Bench, it happened that the same nine members

were not always present; but as soon as that circumstance was discovered, it was communicated to the hon. and learned Gentleman, who was asked whether he wished the proceedings to be commenced *de novo*. At his own desire the proceedings were continued—continued without the slightest objection of any sort or kind from him, until after he heard the result of the inquiry. So with respect to the time of the sittings. If the hon. and learned Gentleman had objected to the Benchers holding their sittings at the time this House does—namely, after dinner, arrangements would have been made for holding the inquiry at a season of the year when it could have been conducted in the day-time, but not a word was heard from him on the subject. It is well enough when all is over to make complaints about the constitution of the tribunal and the time of the sittings, but when the hon. and learned Gentleman talks of the changes which took place from time to time in the members of the Bench, I would ask him who, towards the end of the proceedings, solicited one gentleman who had not heard the evidence to attend the sittings, and so alter the constitution of the court? Why, it was the hon. and learned Gentleman himself, and therefore he has no right to complain upon that score. At the conclusion of the case, when the evidence filled upwards of 700 printed pages, there was no member of the Bench prepared to undertake the delivery of a judgment upon it. The case was adjourned for a considerable period, in order that every member of the Bench might have an opportunity of reading the evidence. I can say, that the evidence was gone over with the greatest possible care; I, for one, devoted whole days to it; and the hon. and learned Gentleman had the benefit of every doubt which could be suggested. We had to decide upon the printed evidence; but such is the case with the House of Lords, the Privy Council, and other tribunals. I am at a loss to understand how it can be said that the Benchers of the Middle Temple erred in their duty to the public, to the profession, or to the hon. and learned Gentleman. Upon the three charges they took a very lenient course. They did not find the hon. and learned Gentleman guilty; they pronounced the cases not proved; but they felt it their duty, at the same time, to pass a severe censure upon the accused—a censure called forth by facts which were too clear

to be disputed. If the hon. and learned Gentleman objects to the decision of the Benchers, and questions the propriety of their censure, there is a legitimate and proper course open to him. Let him appeal to the Judges; for the Benchers of the Middle Temple, in considering his case and pronouncing their judgment upon it, acted not only under a strong sense of responsibility, but with the knowledge that their decision might be appealed from to the Judges of the land. Is the hon. and learned Gentleman to come here, and, in a discussion upon the second reading of a Bill like that now before us, to wind up his own version of the facts by asking the House to express an opinion upon the conduct of the Benchers of the Middle Temple? I should have thought, that if he objects to the judgment which has been pronounced, it would be more correct to appeal to the Judges, and to ask them whether they are of the same opinion as the Benchers. I regret that I should have been led—by necessity led—to make any observations that have an appearance of hostility to the hon. and learned Gentleman, but it is necessary that the House should understand this charge. The hon. and learned Gentleman, however, has not thought fit to appeal to the Judges, nor has he appealed to the public. It is true he has asked the Benchers to publish the evidence, but it is no part of our duty to do so. He has the evidence in his own possession, and he is at liberty to publish it if he pleases.

**MR. DIGBY SEYMOUR:** I have not the whole of it.

**MR. BOVILL:** The hon. and learned Gentleman has the whole of the evidence with the exception of a small interlude, which, though it is quite immaterial to the case, I may describe to the House. One of the witnesses examined before us was a gentleman who was introduced by the hon. and learned Member himself. He was cross-examined with respect to some letters which happened to be in the possession of the Bench. The cross-examination was not particularly agreeable to the witness, and on the second occasion he asked permission to look at the letters. Instead of continuing to answer the questions addressed to him, he quietly took the letters, said they were his property, and put them into his pocket. I do not want to make the hon. and learned Gentleman responsible for the conduct of his Friend; the incident I have narrated has no

bearing upon the case, and I assert again, that the hon. and learned Gentleman has the whole of the 700 pages of the evidence and may publish it to-morrow if he pleases. It will thus be seen that the hon. and learned Gentleman has the choice of two tribunals. There is an appeal to the Judges—he declines it; and there is an appeal to the public—he does not avail himself of it. It is true he attended a public meeting in Southampton and made his own statement of the facts, declaring, among other things, that he had obtained an acquittal in an honourable manner. The people of Southampton must have been remarkably astonished when they came to read the severe censure of which the hon. and learned Gentleman now complains. But the hon. and learned Gentleman has not published the evidence, and consequently he has not appealed to the public. Nor let the House forget that he has had an opportunity of bringing the case in which a judgment stands against him before a jury. He has not adopted that course. [Mr. DIGBY SEYMOUR: I have.] About a year ago the case had never been brought to trial; and if the hon. and learned Gentleman says he intends to take that step now, I will tell the House why—since that time Mr. Parker has died.

**MR. DIGBY SEYMOUR:** I had resolved upon it before his death, or even his illness.

**MR. BOVILL:** The last time this case was before the Benchers the judgment was standing against the hon. and learned Gentleman, and I am very much mistaken if it does not still remain on the files of the Court. It is also important to remark that after the Benchers pronounced their decision the hon. and learned Gentleman ceased to be a member of the mess of the Northern Circuit. I regret that it has been my lot to be obliged to occupy the time of the House with these personal matters, but I should like to know why the hon. and learned Gentleman did not ask the Home Secretary to have an investigation into his conduct at the Home Office, in order to see whether he should retain the office of Recorder; or why he did not come here and ask for a Committee of Inquiry to ascertain whether he ought any longer to remain a Member of this House. I do not mean to say that he is guilty, but I do say that when he has had an opportunity of appealing to the Judges, to the public, to a jury, to the Home Secretary, or to the House—and when he has not

ventured to go before any one of these tribunals—it is rather too much for him to ask the House, upon his evidence alone, to pass a judgment in his favour and to condemn the conduct of the Benchers. Passing from that subject to the Bill before the House, I would observe that a Royal Commission was appointed in 1854, and the result was that after a year's consideration on the very important subject referred to them, they came to a certain conclusion with reference to the constitution of the Inns of Court. They recommended that a legal university should be established with a Chancellor, a Vice Chancellor, and a senate, and that the university should be composed of delegates from the four Inns of Court. If there should be any reform in the constitution of those bodies, I think it would be only right that any Bill to be brought in should be in accordance with the recommendations of the Commission. This Bill does not at all carry out those recommendations. I will only express my opinion, that if the propositions of the hon. and learned Gentleman, as embodied in this Bill, were carried out, there is scarcely a Gentleman who is now willing to undertake the duties of the office of a Bencher who would then be willing to devote his time and attention to them, and I say that there is no case made out for this Bill.

MR. DIGBY SEYMOUR : Sir, the hon. and learned Gentleman has referred to the Parker case, and has stated that there was a judgment filed against me, by which I confessed a fraud. He might have added that I produced the evidence not only of the clerk of the Court of Queen's Bench, where the judgment is recorded, but also of gentlemen of high reputation at the Bar, including Mr. Lush, Q. C., to show that the judgment is entirely confined to an admission of the debt, and excludes altogether the notion of fraud. I proved that it was under that impression that my counsel advised me to submit to the judgment ; and I may add that one of them offered to make an affidavit that my representation was correct. Upon that point, therefore, the statement of the hon. and learned Gentleman is entirely inaccurate. Nay, more ; Mr. O'Malley, Q.C., and Mr. Knowles, Q.C., both brother Benchers of the hon. and learned Member, concurred in the opinion of Mr. Lush. As for the gentleman who was examined on my behalf, that matter will probably occupy the attention of a jury, and I will say no more con-

cerning it than this—that he ascertained that the Benchers had got possession of his private letter-book, which was stolen from his office some time ago, and were making use of garbled extracts, which had nothing to do with the subject-matter of inquiry, to shake his evidence. He did take possession of his property, and was afterwards charged at the police station with stealing the book ; but the officer on duty dismissed the case, and gave the Benchers who preferred it a wholesome admonition. The case, however, is now before another tribunal.

MR. BOVILL : It is quite true, as stated by the hon. and learned Gentleman, that he offered evidence to show that the judgment was not an admission of fraud ; but it is right I should inform the House that there was evidence, distinct evidence, the other way.

MR. DIGBY SEYMOUR : The hon. and learned Gentleman now qualifies his previous statement, but I deny that there was a single atom of evidence the other way. I dispute everything the hon. and learned Member has said as totally misrepresenting the facts.

SIR GEORGE GREY : I do not rise, Sir, to take any part in the discussion on the second reading of this Bill, but I wish to say a few words in consequence of the appeal which has been made to me upon the personal question introduced into it connected with the hon. and learned Gentleman the Member for Southampton. I do not mean to express the slightest opinion that the hon. and learned Gentleman who last addressed the House could do otherwise than he has done. I think the Benchers were bound to institute an inquiry into the case after the manner in which the character of the hon. and learned Member for Southampton had been impugned. I must say I think the House is perfectly incompetent to express any opinion on the case, being with regard to the nature of the inquiry totally in the dark, having not one tittle of evidence before it, not knowing how the charges originated, what the specific charges were, nor how the inquiry was conducted. The statements made with great confidence on both sides should not therefore influence the House ; but if there be any means of obtaining a judicial investigation, that course should certainly be adopted. I should not have risen at all but for two statements made by the hon. and learned Member for Guildford.

He has stated that the rumours affecting the conduct and character of the hon. and learned Member for Southampton had been long in circulation, and that having applied to be made a serjeant-at-law, and been refused the coif, the hon. and learned Member for Southampton, at a critical period in party politics, had received the promotion of a silk gown from the present Government. Sir, I speak in the name of the Government of which the late Lord Campbell was a distinguished Member, and I feel bound to deny altogether the imputation against him and the Government of which he was a member. In the first place, I am sure, that if these rumours did exist, and if they reached the ears of Lord Campbell, he could not have attached any importance to them; and he would have been justified in attaching no importance to them, in the absence of any action on the part of the Benchers—the legal competent tribunal to investigate those charges—or any notice being taken of them during the whole time those rumours were afloat. I cannot distinctly deny—for I have not the means of denial, that these rumours did reach Lord Campbell; but if they did, and if he had thought they had any valid foundation he, I am sure, would not, for the sake of serving any political purpose, have taken the course imputed to him. What foundation is there for the assertion of the hon. and learned Gentleman? I am not aware that in February, 1861, any political crisis was impending which could have induced Lord Campbell to act as has been stated. I can remember no such crisis—and I can appeal to every man who knew him to say whether Lord Campbell was base enough to act in the manner imputed to him. But, again, the hon. and learned Gentleman has rather imputed to myself some negligence in this matter, in not having instituted an inquiry at the Home Office, in order to ascertain whether the hon. and learned Member for Southampton should retain the judicial position he had for many years occupied as Recorder of Newcastle-on-Tyne. The hon. and learned Gentleman must be aware that recorders do not hold office during the pleasure of the Government, but during good behaviour, and I am not aware of any investigation that could have been instituted by me with a view to ascertain on what foundation these charges were made. But if I had been of opinion

that they had some foundation, what could I have done with regard to the appointment the hon. and learned Member for Southampton held? All I knew was that an inquiry towards the close of last year was conducted by the Benchers of the Middle Temple, which they thought it their duty to institute, and which, I admit, after the speech of the hon. and learned Member for Guildford, it was their duty to institute; and the result of that inquiry was, that they were of opinion that the hon. and learned Member for Southampton was a fit person to continue a Queen's counsel, and to act as a member of the Bar and of that society the honour of which was in their keeping. It never occurred to me that it was my duty to institute an inquiry into charges which were never laid before me, of which and of the evidence in support of them I was wholly ignorant, in order to ascertain whether the hon. and learned Member for Southampton, being allowed by the verdict of the Benchers to remain a member of the Bar and to act as a Queen's counsel, should still retain his office of Recorder. Sir, under these circumstances, I hold that no blame whatever can attach to the Government on this account. At the same time, I must say, that if there is an appeal now open from the decision of the Benchers of the Middle Temple to the Judges, I think the hon. and learned Gentleman ought to have recourse to it; for I must say the House is, in my opinion, incompetent to entertain such a question or to decide it as satisfactorily as the Judges.

**MR. BOVILL:** I beg to say that I did not impute the slightest blame, and never intended to make the slightest charge of neglect against the right hon. Baronet. I was led to make the observation I did in order to show that the hon. and learned Member for Southampton had never courted any investigation. With respect to the rumours I mentioned, I am exceedingly glad the right hon. Baronet has made the statement we have just heard. It is extremely satisfactory, and the right hon. Baronet cannot regret that an opportunity was afforded for making it.

**SIR GEORGE BOWYER** observed that he had heard no arguments adduced in reply to what he had advanced in moving the second reading of the Bill. He should however, follow the suggestion which had been made by the hon. Member for Berkshire (Mr. Walter), and withdraw the Bill pledging himself before the close of the

*Sir George Grey*

Session to lay on the table another measure to reform the judicial portion of the duties of the Benchers. The whole discussion showed that a change in that respect was required. The case of the hon. and learned Member for Southampton just amounted to this:—The Benchers, after allowing the matter to sleep for eight or ten years, instituted an inquiry, the result of which was that they first absolved him from every charge, and then censured him. It was the old story of the jury who found the prisoner not guilty, telling him at the same time never to do so any more. He would withdraw the Bill.

Question, "That the word 'now' stand part of the Question," put, and *negatived*.

*Words added.*

Main Question, as amended, put, and *agreed to*.

Second Reading *put off* for three months.

JURIES BILL—[Bill No. 86.]  
COMMITTEE.

Order for Committee read.  
House in Committee.

Clause 1 (Short Title of Act, &c).

MR. HENLEY said, it was a very important measure, and he should be glad to know whether the right hon. Baronet the Secretary of State for the Home Department was satisfied with its provisions.

SIR GEORGE GREY said, he thought that, upon the whole, it would be a very useful Bill, and therefore he had made no objection to the second reading.

*Clause agreed to.*

House resumed.

Committee report Progress; to sit again on Friday.

House adjourned at nine minutes before Six o'clock.

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HOUSE OF LORDS,  
Thursday, June 26, 1862.

MINUTES.]—PUBLIC BILLS.—1<sup>st</sup> Industrial and Provident Societies.

3<sup>rd</sup> Public-houses (Scotland) Acts Amendment; Leases, &c. by Incumbents Restriction Act Amendment.

EAST GLOUCESTERSHIRE RAILWAY  
BILL.—CONTEMPT OF THIS HOUSE.

The Order made on Tuesday last for the Attendance of William Isaacs, Clerk to Mr. Boodle, Solicitor at Cheltenham,

and John Preston, Town Crier at Cheltenham, at the Bar of the House this day, *discharged*: Ordered, That the said William Isaacs, Clerk to Mr. Boodle, Solicitor at Cheltenham, and John Preston, Town Crier at Cheltenham, do attend at the Bar of this House To-morrow, at Four o'Clock, in reference to their Conduct with regard to the Signatures to the Petition of Barbara Robinson and others of Cheltenham, presented on the 22nd of May last, praying to be heard by Counsel against the "East Gloucestershire Railway Bill."

ITALY—JOSEPH MAZZINI.

EXPLANATION.

LORD BROUGHAM remarked that in some observations which he addressed to their Lordships a few nights since he had been misled by the accounts which he had received from Italy. Speaking of an individual, he had represented him as not only given to conspiracy and agitation in Italy, but as sparing his own person and keeping out of danger. He (Lord Brougham) had been assured that this individual had never shown any indisposition to take part in the enterprises which he originated or recommended; but that, on the contrary, he had frequently joined in these military operations. He (Lord Brougham) regretted that this individual had incited operations which could not but be inimical to the cause of Italian independence, because they could not fail to provoke the hostility of Austria, at the same time that they did not secure the support of France.

DEFENCES OF THE KINGDOM.

MOTION FOR PAPERS.

THE EARL OF AIRLIE, in moving for Returns on the subject of the national expenditure on the Defences of the Kingdom, said, it was desirable, in his opinion, that a question like this, which was greatly agitating the public mind, should be discussed in that House, where many noble Lords could throw light upon it and speak with authority from their professional and official experience. He was aware that his own opinion could not carry any weight with it, and that it could only be of value when supported by facts. He should endeavour, therefore, to confine his remarks to those points in which he was supported by the evidence and Report of the Commissioners which had been laid before Parliament. It appeared to him that the

conclusions to which the Commissioners had arrived were borne out by the evidence, so far as regarded that part of their scheme of fortifications which was intended to put the dockyards in a state of defence against an attack by sea. He was not competent to go into the details, or to say whether the particular fortifications which they recommended were the very best that could be devised; but as regarded the broad principle he thought the Commissioners had given very good reasons for their opinion that the dockyards could be more cheaply and more efficiently defended against an attack by sea by a combination of forts and floating batteries, rather than by floating batteries alone. But there was another class of fortifications, on which the Commissioners had recommended a very large expenditure. In their first Report the Commissioners went at considerable length into the question of the defence of the country against invasion. They stated that this country could not now rely on her fleets alone to repel invasion; that, owing to the application of steam to navigation, and from other causes, there were now greater facilities than in times past for throwing an invading army on our shores; and the Commissioners therefore recommended the construction of certain works for the purpose of protecting our dockyards against an attack by land. The works proposed were very extensive, and he believed they would cost more than £2,000,000, without including the money expended in the purchase of land. For the money spent in the construction of a fort, if the fort turned out inefficient, they got nothing. But for money laid out in the purchase of land they did, at some time, get some return, large or small. The recommendation of the Commissioners that defensive works should be constructed being based on the assumption that at the present time the facilities for attack were greater than those which formerly existed, it seemed to follow that if, since their first Report was issued, any change had taken place tending to make an attack by a naval force more difficult, dangerous, and expensive, the necessity for these works was, *pro tanto*, diminished. It appeared that ships cased with iron, in a great degree impenetrable by shot, would in future be the class of vessels used for war; and it appeared to him that the effect of this change in naval warfare would be to render the invasion of this country a more expensive, a more hazardous, and a more difficult undertaking than

heretofore. He would assume, for a moment, for the sake of argument, that iron-clad vessels were invulnerable. It was clear, in that case, that such vessels might approach as near as they chose to the harbours in which the enemy was collecting his transports; they would not themselves suffer from the fire of his fortifications, and though they could not injure the enemy's ships of war, which by the hypothesis were invulnerable, yet they could destroy all the transports which were not protected by iron plates. Now, let any one conceive the expense of casing with iron all the transports which would be required for conveying an invading army to this country, and let him judge whether such a proceeding would be practicable. He knew that iron-clad ships were not absolutely invulnerable, but he had argued on this assumption for the purpose of showing that the tendency of the adoption of iron-clad ships was to make invasion more difficult. Iron-clad ships, he admitted, were not absolutely invulnerable. We had now got a gun which had penetrated, or very nearly penetrated, a target that represented a section of the *Warrior* at a distance of 200 yards. A Return had been moved for in the other House on this subject, but the Government refused to give it, though they stated at the same time that they had no objection to answer any question as to these experiments. It was important that they should know what was the actual result of these experiments, because Sir W. Armstrong stated in his evidence that he assumed the result produced at 200 yards as the standard of efficiency, and that he hoped to produce a gun which should have the same amount of penetration at 1,000 yards. It had been stated at first, both in that House and elsewhere, that the shots from the new gun had gone right through the target, but it afterwards appeared, from the statement of the hon. Member for Wakefield (Sir John Hay) and of other persons who had examined the target, that when the supports of the target were removed, it was found that the shots had not penetrated the inner skin. But even supposing that the most sanguine expectations of the Commissioners were realized, and that a gun was produced which was capable of penetrating iron-cased ships at 2,000 yards, even then it appeared that it would be in the power of such vessels to inflict severe damage on wooden vessels lying within an enemy's harbour, while themselves keeping at such a distance from his batteries as not to be injured by their fire.

The Commissioners had given it as their opinion that a dockyard, or ships lying in harbour, would not be safe from bombardment at a less distance than 8,000 yards. If that were so, it seemed to follow that iron-cased vessels might lie off at such a distance as not to be injured even by the guns which the Commissioners anticipated would in course of time be made, and that they might still destroy wooden vessels lying within 6,000 yards of the outer works of the harbour. Of the eminent professional men who had given evidence upon this question, Sir John Hay, Chairman of the Iron-plate Committee, was of opinion that a large fleet of iron-cased ships was better than fixed fortifications, as they were available for offensive as well as defensive purposes, and thus possessed a double power. He was asked whether it was possible to insure the fleet being at Portsmouth on the very day when that place was attacked; to which he replied that the fact that preparations were going on was always known beforehand, and that the proper course in such a case would be to attack the French fleet while it was preparing. But, even supposing that the invading fleet eluded our own, they had still to be landed, and it was a great mistake to suppose that this operation was an easy or a rapid one. On this point we had some experience eight years ago, when we threw an invading force on the shores of the Crimea; and though we then had command of the sea, and though the weather was fine and we had every facility; yet, with all these advantages, it took the better part of two days to land 30,000 men. As to the difficulty of getting together our ships in case of attack upon a certain point, Captain Hewlett, of the *Excellent*, said that you could collect them by telegraph in the course of ten or twelve hours. The question was not whether our dockyards should be defended, but how they should be defended—whether by fixed defences, which would absorb a large number of men to garrison them, or whether by floating fortresses, which could be called into requisition at any point in a very short time. Woolwich Arsenal had an important bearing upon this part of the question. The Commissioners appeared to think that Woolwich was so accessible that you could not possibly defend it by any scheme of fixed fortifications; and, accordingly, they recommended the establishment of an inland arsenal less easily accessible. The Govern-

ment, however, had taken no steps for the establishment of another arsenal; and knowing how expensive it would be, he could hardly blame them for that resolve. But did not this furnish a strong argument in favour of floating defences, which could be made available at any point of the coast? The subject of iron-cased ships was dealt with by the Commissioners in 1860, but the question was then on a very different footing to what it was now. At that time the French had but one iron-cased ship, and we had but one building. Doubts were entertained as to those vessels, and the highest authority in gunnery, the late Sir Howard Douglas, gave a decidedly adverse opinion. Some authorities believed that the introduction of these iron-plated vessels endangered our maritime supremacy; but he thought that anything which tended to increase our defensive power must be advantageous to a country which had a preponderating power at sea. If, however, our superiority in iron-plated ships was to be maintained, it could only be done by a great expenditure, for every country was building such ships, not only France and Russia, but even Turkey. We should therefore have a sharp competition to encounter, and we must maintain a fleet calculated in relation to all these countries. With respect to the proposed works for defence, he reminded their Lordships that they were in different stages of progress. Upon some there had been large expenditure, while upon others little had been expended, and with respect to several no contracts had been entered into. Under these circumstances he thought the Government ought to give Parliament a detailed statement of those works, so as to afford them an opportunity of properly considering the question. For instance, at Milford Haven there were two works; upon one there had been considerable expenditure, while upon the other there had been none. It was placing Parliament in a false position to tell them that they must either agree to or reject the works as a whole, and that if they rejected any works for which no expenditure had been incurred, they would incur responsibility of rejecting those works upon which there had already been a considerable outlay. That was an argument which he could hardly have expected to come from the Government, especially when he considered what had been their course in respect of the Spithead forts. Those forts were recom-

mended by the Commissioners to whom the question was twice referred, but nevertheless the Government had decided not to proceed with those works at present. It was sometimes said, as an argument in favour of proceeding with the projected works, that large expenditure had already been incurred upon them, and that if no further steps were taken, the money already spent would be entirely lost. That might be admitted within certain limits, but it did not apply to those cases in which there had been no outlay and no contracts. The works at Chatham, the north-east defences of Plymouth, and at Milford Haven, involved an outlay of £900,000, and therefore the question was one of great importance. The prudence of proceeding with works upon which money had already been expended, was a question of degree, because they should look not only at the amount expended, but also to the probable amount that would be required to complete them, and the benefits that would be derived from them when completed. If they were simply to go on with all works upon which there had been any expenditure, there was no limit to the expense. As an illustration, he would refer to the case of Alderney, where certain works were begun, which at the time were expected to be of great benefit, and the cost of which would be comparatively small. But year after year it appeared that the probable advantage of those works was diminishing, while the cost was increasing, and now the country was invited to expend two millions, because if those works were left unfinished, they would be positively injurious to us. He did not, by the remarks he had made, intend to cast any undue blame upon the Government, because Parliament was equally responsible for what had been done. Parliament had sanctioned the works which the Government had suggested to protect the dock-yards. That was a wise measure at the time it was adopted, but since then there had been a change of circumstances, which rendered it expedient to modify the original plan. The noble Earl concluded by moving an Address for—

" Returns showing how the Loan which Parliament authorized to be raised for Expenditure on the Defences of the Kingdom has been appropriated and expended down to the 31st Day of March, 1862 :

" Showing, under the Head of each Station, the Names of the Works contemplated in each District, and their estimated Cost exclusive of Artillery Armament :

*The Earl of Airlie*

" Whether any Lands have been purchased for the Works in each District, and the Cost of such Land :

" Whether any Contracts have been entered into for the Execution of the Works in each District respectively, and the Amount expended thereon to the 31st Day of March, 1862 :

" And, of the Total Amount expended to the 31st Day of March, 1862, chargeable to the Defence Loan for Officers, Surveyors, Clerks, Draughtsmen, and others employed in designing and superintending the Works :

" Showing also whether the Demolition of any previously existing Works forms Part of the Plan of Defence now decided upon; and, if so, the Date of the Construction of any Works to be demolished, together with their Cost, if erected within the last Twenty Years."

EARL DE GREY AND RIPON said, he had listened with great interest to the able speech of the noble Earl, who had addressed the House in a spirit and tone worthy of the serious question with which he was dealing. The main argument of his noble Friend appeared to rest upon his opinion that the result of recent changes and improvements in iron-cased ships would be to render this country almost unassailable by sea, and he objected to works of defence on land on that ground. His noble Friend, in objecting to the scheme of the Defence Commissioners, said, he did not do so from any want of interest in the defence of the country, or from any belief that it was an unimportant subject, but because, in his judgment, an invasion of our shores had now become so improbable, that it was only to the sea defences of our arsenals, and their protection from a bombardment of short duration, that we ought to direct our attention. His noble Friend rested part of his argument in support of his view on an hypothesis which he afterwards admitted to be a great over-statement of the actual case. He began by assuming that we had vessels which were invulnerable—a state of things at which we had not at all arrived yet; and he then asked how it would be possible for any Power, intending to invade this country, to do so without first collecting a large number of transports for the purpose at some point on his own coast, at which point, owing to the extended range of the new ordnance, we could bombard them from sea. According to his noble Friend, all that we should have to do would be to send forth our fleet of iron-plated and invulnerable ships, to attack and destroy the transports so collected by an enemy. Now,

he conceived that it was by no means necessary that the transports which an enemy might prepare for invading this country should be accumulated by him in an exposed position, which would render them liable to bombardment by sea. They would rather be got together higher up the estuaries or rivers of the hostile Power, where they would probably have the shelter of fortifications, or be protected by a fleet similar to that which might be brought against them. No doubt the attacking party had a great advantage; he had the power of choosing where he would prepare his transports, and of concentrating the whole of his iron-plated fleet on one spot, so as to be ready to defend them. On the other hand, if we were to concentrate our iron-plated fleet in order to make a dash against the enemy's transports, we should leave our coasts defenceless—unless, indeed, we were to maintain an enormous force of floating defences, which were not only exceedingly costly at the outset, but which required constant repairs—a source of annual expense from which, considered broadly, fortifications might be said to be entirely free. But what if, by some of those many accidents which were not improbable since the invention of steam, an enemy's fleet and transports reached our shores without being prevented from crossing by the operations of our iron-plated ships? In the first place, time would be required for the concentration of our iron-plated squadron, and, in the next place, the enemy's transports would be covered by his own iron-plated ships; the two fleets might engage each other, and under cover of that engagement the invading troops might be landed. His noble Friend had referred to the authority of Sir John Hay to show that we should always have warning when an attack was to be made upon us. True, we might know beforehand that a hostile fleet was being collected at Cherbourg, for instance; but how were we to know that it would make an attack upon Portsmouth? Might the enemy not make a feint upon Torbay, while the real attack was directed to the mouth of the Thames? While admitting that the Government were bound to devote the utmost attention to the changes going on in respect both to artillery and iron-plated vessels, yet he thought it would be a very dangerous error to suppose that the invention of iron-plated vessels gave us any such security from invasion as would

enable us safely to neglect our whole land defences. Reference had been made by his noble Friend to the late experiments at Shoeburyness. It was perfectly true that every person present at those experiments on the occasion in question, shared the belief that the shot from the Armstrong gun had gone entirely through a target of the side of the *Warrior*; but what really happened then was, that the 150-pound shot, at 200 yards, pierced the outside plate of  $4\frac{1}{2}$  inches thick, entirely went through the 18 inches of teak inside, and then bent the skin of the ship, though it did not entirely pierce it. His noble Friend had quoted the evidence of Captain Coles, to the effect that that officer could make vessels for harbour defence that would carry plates nine inches thick. But it should be remembered that the vessels there referred to were not sea-going vessels. His noble Friend had also cited the opinion of Admiral Robinson on this point. Now, it should be borne in mind that Admiral Robinson stated in his evidence that the manufacture of a ten-inch iron plate that would at all stand shot had never been effected, and was still very problematical; and that, indeed, we had not yet got an iron plate  $5\frac{1}{2}$  inches thick that would resist shot. His noble Friend alluded to the announcement made in another place, that it was not the intention of the Government to take any further steps at the present moment in regard to the provision of a central arsenal. Her Majesty's Government had determined originally to take measures for the establishment of a central arsenal, because there were various reasons for moving the stores from Woolwich; but they thought it better for the present to suspend that operation, without having abandoned the idea. Danger to Woolwich might arise not only from attacks of ships in the river, but from an invading army, if not guarded against by fortifications, such as the lines of Chatham and other defences, which were intended to enable us to place a considerable force on the flank of an enemy marching towards Woolwich. With reference to the concluding observations of his noble Friend, the Government were ready to give the fullest information as to their intentions and the details of the works they might propose. He believed his right hon. Friend the Secretary of State would be prepared to lay any Returns on the table of the other House

which might be necessary to give complete information on the subject. He believed he had now touched briefly on the various topics alluded to by his noble Friend. They related to questions far more of a naval than a military kind; but whatever the importance—and no doubt the importance was very great—of the changes that were taking place in naval construction, and the force and power of artillery, he ventured to think their Lordships would be of opinion that those changes were not of such a character as gave that immunity from invasion on which his noble Friend based his statement, and which alone justified the conclusion to which he came. He could not sit down without saying one word in behalf of the Defence Commissioners. They had been the objects of very bitter and not very scrupulous attack. It was due to the gentlemen who undertook this duty, and who were selected for it on account of their eminent qualifications, that he should on the part of the Government express to them their thanks for the manner in which they had discharged their duty, and for the care and attention they had devoted to the complete investigation of the subject. Two years ago the question was brought before Parliament. It was then fully and carefully considered. The proposals of the Government were questioned in the other House. Divisions were taken on the subject, always with a very small minority against the proposals of the Government and that minority on each succeeding division was reduced in amount. The subject had been inquired into by the Commissioners, and carefully considered by the Government, and the policy they recommended had been adopted. If, as his noble Friend thought, iron-clad ships gave complete immunity from invasion, then he agreed with him that these proposals should be departed from; but he did not think that was the fact, and therefore he trusted Parliament would not depart from the course on which they had deliberately entered two years ago, and show to other nations that this country, having undertaken great works not for the purpose of aggression, but because they were considered absolutely necessary to home defence—after those works had been in progress of construction, and we had got very little for our money—was prepared lightly and on insufficient grounds entirely to abandon them. There was not the slightest objection to lay the Returns moved for on the table.

EARL GREY: My Lords, the House is indebted to my noble Friend for having brought this subject under discussion, since it is one of great importance, on which it is desirable that your Lordships should have the opportunity of expressing an opinion before the Votes connected with it have passed the other House of Parliament. I am the more anxious to avail myself of this opportunity, because, having been out of England, two years ago, when the Bill passed for commencing these defences, it was not in my power to give it that opposition which, had I been in my place, I should undoubtedly have offered. My noble Friend the Under Secretary for War seemed to think it highly desirable that this country should not exhibit the spectacle of lightness of determination which would be displayed by the abandonment of a scheme which had been so lately formed. But I venture to think it is of still greater importance, that if we have taken a false step and embarked in a wrong course, we should not recklessly persevere in it to the detriment of the country. It is my conviction that, in passing the Fortifications Bill, Parliament made a great mistake, and I do not abandon the hope, that having now a fair opportunity, it will yet pause and not persevere in carrying on these works to the full extent that was intended. I do not underrate the importance of making this country secure. No one is more convinced than myself that it is the duty of Government and Parliament to take every possible means to render the country secure against any attack to which it may be exposed. It is impossible to overrate the importance of measures directed against the possibility of a hostile force landing in this country. I also agree in the opinion, that although it is true we can expect such an attack but from one Power—namely, France—it implies no improper suspicion of the intentions of France—nothing which can justly give offence to the French Government or nation—if we adopt measures for securing ourselves. While France maintains an army so largely exceeding our own in numbers, I think it is necessary that we should be in such a situation, that in the event of a rupture between the two countries, that rupture should not lead to our being exposed to the calamity of a successful attack. It is impossible not to feel that with two nations so high-spirited, and so over-disposed to take offence as both England and France, in my opinion, have fre-

quently shown themselves to be—with two nations, moreover, in such close proximity, a rupture is possible; and that, consequently, while it is desirable we should remain on the best terms with our powerful neighbour, and while we have every reason at present to believe that such is the desire of France also, still we must all agree that measures of precaution are not superfluous. But the real question is, are the measures which are proposed to Parliament and the country really calculated to increase our strength, or are they likely to afford an advantage proportionate to the enormous cost which they must entail upon us? I firmly believe, that if we embark in the course which is recommended to us, an amount of money far larger than the largest estimate which has yet been publicly avowed will not cover the whole expense which must be incurred. I have lived too long, I have sat too many years in Parliament, not thoroughly to distrust all estimates of this kind. I can remember the celebrated case of the Rideau Canal, in which a moderate grant of £100,000 ran up to £1,500,000 or £2,000,000. I can remember the recent case of Alderney; I can remember many other cases of the same kind; but I can remember none—no, not one—in which a great scheme of this description has been begun, and the expense originally proposed has not been far exceeded. The question of expense with respect to the security of the country is very material. It was a saying of old times that money afforded the sinews of war. If that was true formerly, how infinitely more true it is in our own times, when each succeeding year brings to our notice some new agent of destruction of fearful power and of enormous cost, so that war really becomes every day more and more expensive. Looking at the manner in which inventions are increasing, and considering their direct tendency to augment the costliness of war, we may be certain that in future, infinitely more than heretofore, the power of every country will depend, not merely upon the number and bravery of its people, but also upon its resources, the amount of its accumulated capital, the progress of the arts of industry, and the means which it possesses of availing itself in the shortest possible time of all those appliances which science is daily bringing to light to aid the purposes of war. Therefore whatever tends to check the progress and the wealth of the country, whatever

tends to check the increase of its general resources, necessarily tends to diminish its real power; and, consequently, to make it less capable of defending itself against an enemy when danger arises. If this is true—and I am persuaded none of your Lordships will dispute its truth—it is clear that undue naval and military expenditure really diminishes the security and strength of the nation; and, that being so, I ask any man who has carefully considered the subject, who has calmly and dispassionately looked at our present prospects, whether the enormous amount of our naval and military expenditure does not appear to him calculated to excite considerable uneasiness. Can we doubt that the amount of that expenditure has now risen to such a height that it must seriously interfere with the power of accumulation on the part of the nation; that it must tend to check the rapidity of that progress by which of late years our resources and our wealth have been increased; and that it tends to place our finances in a situation which would be found extremely dangerous on the breaking-out of war? Apart, therefore, from all considerations of the general wealth of the country, I say it is the bounden duty of Parliament—especially at a time like the present, when such distress is afflicting a large portion of the kingdom—and when, I fear, we are but at the beginning of that distress, which, if it continues, must necessarily affect every branch of our industry and every interest within the nation—to take care that we do not allow expenditure to be unduly increased for naval and military purposes. Taking that principle for our guidance, I wish to ask your Lordships whether the works which are now in progress, or in contemplation, are likely to afford an advantage proportionate to their enormous cost. My noble Friend who commenced the debate (the Earl of Airlie) made an apology as a civilian for expressing an opinion upon these points. I am quite aware that it is our duty as non-professional men to form our judgment with caution; but I by no means admit that these are questions upon which men of ordinary sense and intelligence, even though they do not happen to be professional soldiers or sailors, may not form a very fair opinion; and I think so the more because we have the assistance of a full discussion on the part of professional gentlemen. We have not only the Defence Commissioners on one side, but we have very distinguished officers on the other,

and we have consequently before us all the reasons for and against the proposed scheme. For my own part, I have taken what pains I could to make myself master of the question, and to consider the reasons which have been adduced on both sides; and I must say that the advantage in reason and in argument seems to me to rest entirely with the opponents of the scheme. The opinions of Sir Frederic Smith, Colonel Boxer, Captain Coles, and others, appear to me to be supported by arguments much more strong than those brought forward on the other side. I must add that my confidence in the Commissioners is not a little shaken by the fact that their Reports are by no means consistent with one another. In their various Reports I cannot help observing that when they are pressed in argument they shift their ground; that there is a want of consistency in their arguments; that their reasoning is frequently and obviously fallacious; and, above all, as the minutes of their proceeding show but too clearly, that their inquiry was not conducted in a spirit which was likely to lead them to sound conclusions. It appears to me, that having adopted opinions which they were at a loss to defend against the objections by which they were pressed, they gradually got heated with the controversy, and were led to maintain their original conclusions rather in the spirit of partisans than in that of persons calmly and deliberately endeavouring to determine what truth there was in what was urged against them, and in what respect their views might require reconsideration. These remarks apply especially to the examination of Captain Coles. I must say—and I am sure such of your Lordships as have read the minutes of evidence will agree with me, that that examination was conducted with a want of decorum, with a want of fairness, and in such a spirit as to destroy my confidence in the judgment of the Commissioners. If this question is to be decided by the weight of authority, I must also observe that the decision of the Commissioners is opposed, not merely by several men of high professional eminence, but almost unanimously by the junior members of both services. This is a very important fact. As men advance in life and rise to high rank in their profession, whatever it may be, they are generally averse to any great changes in the system to which they have been accustomed; and when we find that the plan of the Government is condemned by the junior

members of the army and navy, we may reasonably believe that it is founded on antiquated views, and is not adapted to the existing state of science. But apart from what has been written for or against this particular scheme of fortifications, we find that the whole policy of trusting to works of this description has been condemned by very high authority. Captain Coles, in one of his pamphlets, quotes the opinion of Lord Dundonald, to the effect that immovable stations of defence against an invasion are costly and of doubtful utility; and further, that numerous fortifications are a source of national weakness, because they split up into detachments the army which should be concentrated to meet the enemy in the field. There is scarcely any opinion on such a question which deserves greater consideration than that of Lord Dundonald, and this almost appears to have been written by anticipation against the very scheme now before us. It is impossible to find words bearing more directly on a scheme which, as Sir Frederic Smith has shown, involves the erection of works extending over a distance of seventeen miles at Portsmouth and of nearly the same extent at Plymouth, requiring a garrison of 30,000 men in the former case, and 25,000 in the latter, and absorbing altogether a very large force, which ought to be left disengaged for other operations. When I am told that the Government has abandoned the proposal of iron forts at Spithead, but still adheres to the other works at Plymouth, Portsmouth, and elsewhere, it seems to me that it has abandoned the least objectionable portions of its measures of defence. [The Duke of ARGYLL said the Government had not abandoned the forts at Spithead.] The noble Duke says the Government has not abandoned the Spithead forts. It is right to bear that in mind. If Parliament can ever be found in a yielding mood, capable of being coaxed into granting the money, these forts, against which such irresistible arguments have been brought forward, are to be resumed. They are abandoned, however, for the present. My own opinion is, that the force of reason and argument against the project of these Spithead forts is too strong to be overborne, and that neither Parliament nor the country will ever be persuaded to entertain it again. But while I agree with those who contend that no advantage at all in proportion to their enormous cost would be derived from these sea forts, they do not appear to me

*Earl Grey*

to be so utterly useless, or even worse than useless, as the projected land defences of our arsenals. The only object I have ever heard suggested as likely to be answered by these land works is that of preventing an enemy who had landed in considerable force marching through the country and destroying our dockyards from a distance on the land side. But as to the works at Portsmouth and Plymouth, if you are to have garrisons of from 20,000 to 30,000 men stationed there, there will be no need of fortifications to enable them to cope with a smaller force. I assume, therefore, that the works are intended to guard against danger from a powerful French army carrying artillery of the largest and heaviest kind, which should land at a distance from the points in question, march through the country until it came within range of either, and then shell the dockyard. Now, an army sufficiently strong to resist any force which in twenty-four hours we might be able to collect against it must, of course, be very numerous, and would require constant and considerable supplies. But in order to obtain supplies it must have the command of the water. In that event, would the enemy resort to so difficult and dangerous an operation as an attack upon Plymouth or Portsmouth by land, which would involve a long march across the country, and the conveyance of very heavy artillery to the high ground commanding our positions? Such an army, with the necessary supplies, could never land and march to the attack of our dockyards without having the command of the water. If they did, they would be even more benighted in the art of war than the Chinese. And if they have the command of the water, what is to prevent them from adopting the easier mode of an attack by sea? With the power of long-range ordnance they could destroy the dockyards in a few hours. Moreover, the disembarkation of a large army is anything but an easy operation. No one supposes it is practicable to bring over such an army in iron-plated ships. For that purpose wooden transports would be required, and these could not be congregated without some warning, and a fair opportunity would be had of attacking the fleet before it started. It had been suggested that they might be collected up a river, but he was not aware that there was suitable accommodation of that kind on the coast of France. At any rate, if that course were taken, it would necessitate the

use of vessels so limited in size as to be incapable of making a rapid passage or of encountering safely the dangers of a stormy sea. Is it not clear that the enemy must have a most complete command of the Channel before he could venture to expose a large body of troops in vessels of this description? Even although we might have a doubtful and difficult battle to fight with the iron-plated ships which served as a convoy, it would be difficult for the enemy to prevent our mailed ships from attacking and destroying the transport vessels, and producing a scene of destruction and slaughter fearful to contemplate. Did any one, however, really believe, that if the enemy had once established their ascendancy at sea, they would think it necessary or desirable to attack the fortifications at Portsmouth and Plymouth? Does any one doubt that it would attempt to strike a mortal blow by marching on London and dictating a peace in the metropolis? It appears to me these arguments are completely conclusive against incurring the expense of these works. And there is another consideration. All these works are planned according to the old system, the old school of military engineering; and according to that system, no doubt, they were well adapted for their purpose. But that system has passed away—it is among the things become obsolete, and the system must be changed. Can we suppose that all the complicated works by which towns have hitherto been defended, calculated on the range of the only artillery formerly known, will be the system to be relied on for the future? It must be changed. The iron cupola, with its guns, is as capable of being used on land as at sea, and we must alter our whole system of land fortification. Then is it wise, when that old system is obviously condemned and a new one is taking its place, to commence these enormous fortifications, to be constructed on the most approved ancient plans? We need look back but for a short time to show how impolitic is this course. Only three years ago the Queen's Speech contained a paragraph calling on Parliament to provide for the reconstruction of our navy by building screw line-of-battle ships. At that time I warned your Lordships that, in consequence of the improvements made in naval artillery, those screw line-of-battle ships would never be useful. At an earlier period I objected to the construction of sailing vessels of war, because they were

likely to be superseded by steam vessels; in 1859 I objected to the construction of screw line-of-battle ships, that they would be equally superseded. I said it was not wise to proceed with the construction of a class of vessels that in all human probability would be obsolete before they were finished. The result has fulfilled to the letter everything I predicted. We know that these screw line-of-battle ships, constructed at such enormous expense, cannot, with common justice to the brave men who would form their crews, be sent to sea to face an enemy, against the improved vessels now constructed. It is notorious that these screw line-of-battle ships are now useless, and that measures are in progress for converting them—some of them before they are finished—into iron-cased ships. Yet we are going on to build these fortifications in precisely the same manner. In 1860, Parliament was recommended to sanction the construction of a fort at Spithead, that was to be built of granite. Already it is found that granite will not do, and 10-inch iron plates are to be substituted.

And let us consider how much all this question of the probability of these works now proposed being superseded by others of a new description, bears on the question of the mode of providing for the expense of their construction. In 1860 Parliament was called on to sanction the plan of meeting that expenditure by a loan; and, to the astonishment of everybody, that sanction was asked by the same Chancellor of the Exchequer who had contended so eloquently against a loan, even to meet the cost of a great European war. Parliament—unwisely, I think—consented that the expense of the fortifications should be met by a loan. The only pretext was that, the works being of a permanent character, it was perfectly fair to throw part of the expense on the future. I always thought this an exceedingly bad argument. It appears to me there are always works of a permanent character in progress in this country, in which it may always be said that those who are to come after us have as much interest as ourselves. It encourages the disposition to throw off the burden of the expense. "Borrowing dulls the edge of husbandry." The burden of having to provide for the present payment for such works is a wholesome check on extravagance. If you establish the opposite principle, it will be difficult to place any

limit to your expenditure. The same argument was used in reference to the cost of the Harbours of Refuge; the House of Commons was told that the expense could easily be met by a loan. And the impolicy of this course is not diminished by the loans being raised by way of annuities; on the contrary, I think it is an aggravation of that impolicy. Money is raised on worse terms when we sell annuities than when we sell ordinary stock; there is an advantage in the market in favour of Consols. The only effect of raising money on annuities is to pledge future Parliaments to pay off the debt by instalments. But the existing Parliament has no means of compelling its successors to practise the economy and self-denial it does not practise itself. It is quite in vain to provide that these loans shall be raised by annuities, unless future Parliaments, as a rule, keep up an effective surplus income, out of which these annuities can be paid. If we go on as we have during the last two years, wilfully incurring a deficit, our annuities will only add to the expense of borrowing with one hand the money we pay away with the other. We know how utterly futile are attempts to bind future Parliaments. Only a few years ago Exchequer bonds were invented. We were told there would be a great advantage in these bonds over Exchequer Bills, as they would pledge Parliament to pay them as they fell due, and that the Chancellor of the Exchequer, two, four, or six years hence, would no doubt honestly provide for their payment. We all know in how short a time—as soon, indeed, as the bonds became due—first one Chancellor of the Exchequer, then another, including the deviser of the bonds himself, concurred in renewing those that had been so issued, and no security whatever is given for the speedy payment of the debt. The only pretext for defraying the cost of these works by loan is that they are for permanent improvements: I now ask you what becomes of that pretext when you see every reason to believe that at no distant period these works will require to be replaced by something founded upon newer principles and later discoveries? I have already given you some instances to show how likely that is to be the case. But another case of great importance may be cited—I mean that of Dover. Now, we are at this moment actually finishing the fortifications of Dover; and when we ask what the

*Earl Grey*

advantage of these fortifications is, I have hitherto found nobody able to give an intelligible explanation. The only plea urged for proceeding with them is because we have spent so much money upon them already. It is said that the fortifications defend a point of the coast at which an enemy might land. But on either side of Dover there are plenty of places where an enemy might land with exactly the same advantage, and these fortifications would not have the smallest tendency to prevent such an operation. In case of invasion the effect of the fortifications at Dover would simply be to compel you to leave 6,000 men there—because, while they are of little advantage to us as means of defence, they would be invaluable to any enemy who had established himself on shore, in order to keep up his communications with France, and obtain reinforcements and provisions. Lest Dover, therefore, should be carried by a *coup de main*, you would be absolutely compelled to defend it; and, to prevent such a necessity, we may very likely see some new Secretary for war, in the course of a few years, proposing to the House of Commons a Vote of £5,000 or £6,000 to defray the expense of removing the fortifications. I firmly believe that such a Vote would be a much wiser one than most of those now proposed. The noble Earl (Earl De Grey) has expressed his opinion that these works have gone too far to be suspended; and I understand that my noble Friend (the Earl of Airlie) merely asks for information which will enable Parliament to form a fair judgment which of these works should be suspended, and which finished. I quite admit that, however unwise the original undertaking of these works may have been, they have now gone so far that probably it may be expedient not entirely to discontinue them. There may be some which, upon the whole, it will be right to complete; but in order to judge how far they may be desirable we ought to know, as we should know from the Returns now asked for, what is the real state of the case. Our true policy would probably be to finish any works that are in a very advanced state, and which, if now suspended, could not be resumed without great additional cost; but, wherever it is possible, to discontinue works which may even have been commenced, provided that can be done without prejudice to their future resumption; and, above all, to avoid embarking in any new works. Where the land only has been bought, we might re-

tain that land, but ought not to expend any money upon new works there. If the Bill introduced into the other House is to go forward, I am not quite sure how far, according to the privileges of the other House, your Lordships would be able to amend it; but should we have the power to amend it, I hope, if the House of Commons neglect so proper a precaution, your Lordships will insert in the Bill some stringent clause to prevent any portion of the money from being spent upon new works. I have ventured to say so much because, if this Bill reaches us at all, it will do so at a time when it will be almost impossible to discuss it properly; and I therefore felt justified in troubling your Lordships now with these remarks upon a most important question.

**THE DUKE OF SOMERSET:** My Lords; if the discussion to-night had been limited to the terms of the Motion, I should not have thought it necessary to trouble your Lordships; but the noble Earl who has just spoken (Earl Grey) has entered upon so much wider a field that it is necessary I should make a few observations in reply. I shall not follow the noble Earl into all the questions which he has discussed, from the works at Alderney down to Exchequer Bonds. But he said that all our armaments are on much too large a scale.

**EARL GREY:** I beg the noble Duke's pardon. I never said anything of the kind. I said that the expense is too much; but I do not think that our means of defence are too great.

**THE DUKE OF SOMERSET:** I am glad that the noble Earl does not think that our army and navy are too large, although he is of opinion that they ought to be maintained at a less expense. No doubt, all defensive measures are expensive, whether in the shape of an army, a navy, or fortifications. But if, on the other hand, you leave the country to husband its resources and increase its wealth, in order that when the time comes it may put forth its power, I want to know where the country would be in case of sudden attack? Its wealth then, instead of affording the means of defence, would be an attraction to the enemy. My noble Friend was not here in 1860, when the subject of these fortifications was discussed; and I regret that he was not, because he would then have known the course which was taken upon this question. For many years, Government after Government had been pressed to provide some additional

means of defence. In 1858, the noble Earl opposite (the Earl of Derby) appointed a Commission to inquire into the question of the naval defence of the country. The Commission sat at the Treasury, in the Chancellor of the Exchequer's room—the very sanctuary of economy. That Commission comprised the Secretary of the Treasury, Mr. Anderson, and the Accountant General of the Navy—all men who looked naturally to economy. They recommended an immediate increase in the fleet, so that by the end of the year 1860 we might be in possession of fifty-eight line-of-battle ships. When the present Government came into office, they found that proposition before them ; the recommendation of the Commissioners had received the approval of Parliament, and we were repeatedly urged to carry out that programme. We did, accordingly, by the end of 1860 complete fifty-seven line-of-battle ships. But then the noble Earl says that we ought to have done nothing of the kind, for that we ought to have seen that new engines of destruction were being invented daily. I grant the fact ; but I wish to know, if we are to wait until these new weapons of warfare are brought to final perfection before we construct our defences, what is to become of the country in the mean while ? I certainly will not take upon myself the responsibility of leaving the country unprotected on this ground. No doubt the ships we are now building may hereafter be improved upon ; but is that a reason why we should build none ? The only plan is to keep up our armaments in the best way we can, adopting the latest scientific improvements. In defence of the late and of the present Government equally, I am prepared to show that what has been done in the direction of our national defences has been done as far as possible on the most economical principles. We did not build any new ships, but we adapted the old ones to the new improvements and inventions. The new ships of the line laid down were only three in number, and they were only in frame, and we have now adapted them for iron-plated ships, so that little additional expens has been incurred. The noble Earl said, "Look at your fortifications ; you are making them all upon the old system." That again is quite contrary to fact. The fortifications at Gosport are upon the most improved plan, and they have been constructed with great skill and ability.

"But," says the noble Earl, "you always exceed the estimates." Now, at Gosport, the estimate was £300,000, and a contractor had undertaken to do the work for less, so that these works will be finished within the estimate. That is a specimen of the manner in which the noble Earl strikes out blindly right and left. Then as to Portland. I say the works there will be completed within the estimate, and when finished will be one of the finest works in the country. It is not fair to the Government nor to Parliament to throw out these general accusations. Of course, in some of these works there will be excess. With docks and breakwaters, and wherever you have doubtful foundations, there will occasionally be excess beyond the estimate ; but that has not been the case at Portland. The noble Earl then referred to Alderney as an instance of great expenditure ; but that has been going on for years, and he himself was a Cabinet Minister while this expenditure was going on, and is therefore, with others, responsible for it. I went to Alderney when I first came into office, not having any particular regard for the works there ; I went in company with my late friend Lord Herbert, and we took the opinions of the naval and military authorities as to what was best to be done. There were five forts, all completed, and there was a small harbour, which I was told was not safe, without additional outlay, even for small vessels. Therefore if we did not improve the harbour, we should expose troops in the forts to the danger of starvation, because the small vessels which should bring their supplies would be unable to reach the harbour in rough weather. It was necessary therefore either to blow up the forts or to complete the harbour. I was so anxious upon the subject, which had excited much feeling in the country, that I said, "We will only agree to a certain part of the work ; so that if we go out of office, the succeeding Government may not be hampered in its judgment upon the matter by any large existing contracts." Then says the noble Earl, "You ought not to scatter your fortifications all over the country." I admit that ; but are we not to defend our arsenals ? The noble Earl says, "Your arsenals require such extensive defences." No doubt of it. Formerly Portsmouth and Plymouth were fortified within a narrow area, but the progress of invention in artillery has made it necessary either to give up fortifying them at all, or to do so effectually against the new projectiles

by carrying the fortifications to a greater distance. The obvious question for the Government to consider was, shall Portsmouth and Plymouth be defended? The Government came to a decision which I think every Government would come to—that the great arsenals ought to be defended. But that is not scattering our defences over the country. Now, as to the Spithead forts. When these forts were first proposed, it was intended that the superstructure above the foundations should be granite, or granite armed with iron—for the Americans had even then embrasures of stone faced with iron. But all that was considered desirable to be done then was to make the foundations. When the great question of the necessity of building iron-cased ships came under the notice of the Government, it appeared to us, that if any works were to be suspended for a time, and thus give Parliament another opportunity of again considering the subject, it was advisable to suspend these works. The vessels which the Government are building are, undoubtedly, of various kinds, and necessarily must be so, because we do not know exactly what sort of vessel will be the best, and the only way to enable the public and Parliament, and naval officers, to judge which is the best kind of vessel, is to have some of various kinds. We are not largely embarked in any one kind of vessel. The most we have are those to which the noble Earl has referred—wooden vessels which we propose to plate with iron, and the first of which was, I believe, launched at Pembroke this very day. They will not be of a very expensive character, but I believe they will be effective vessels; and when we have one or two other kinds, we shall be able to form an opinion. I hope, therefore, that your Lordships will not be carried away by the statements which my noble Friend has somewhat hastily and carelessly made. The noble Earl quoted the Earl of Dundonald; but Lord Dundonald found his most awkward enemy in a Martello tower. Forts have been found most effective in many cases. At the present time no iron ship could stand long against iron forts. Any one who has seen as I have, the results of firing at iron plates will know that after a very few shots the plates are fractured, the bolts of the plates are shaken, and the plates come bodily off the ship, which in such a case would be in a worse position than a wooden vessel. We must observe all these things

in experiments, for at present we really know nothing practically of this matter in actual war. We hear one day about the *Merrimac* and other iron-cased ships being impervious to shot or shell, and only the other day I saw a letter from a naval officer in America in which he stated that the *Galena* iron gunboat went up to a fort, and that the shot and shell went through her as if she were a wooden ship. You can have opinions any way; and as for plans, why the opinions of inventors are such that one will tell you it is possible to destroy a fleet in Cherbourg by operations conducted on the Isle of Wight, and will wonder how it is the Government are so blind as not to see the feasibility of the plan. Many of the inventions submitted to us are ingenious, and some are ridiculous beyond conception; but all have to be considered and are considered. My noble Friend says he hopes that no new works will be sanctioned; but where the fortifications on one side are complete, would he advise us to defend one side but not the other—I think we ought prudently to complete works in progress, and that we should do so according to the newest inventions; but in respect to new works, by which I mean entirely new fortifications, the House of Commons will properly exercise caution by calling upon the Government to give reasons for any new work that may be proposed.

**THE DUKE OF CAMBRIDGE:** My Lords, I am sorry to prolong this discussion, but there are one or two observations of the noble Earl (Earl Grey) upon military points which I feel bound to notice. With respect to the policy of the Government, it is not for me to defend it; but I must say, as a Member of this House, that I entirely agree with the course that has been adopted by the Government upon this occasion. I think, under all the circumstances, and considering the difficulties in which this question from various causes has been involved, that they have come to a wise conclusion in suspending—not giving up, but suspending—for a period the construction of the forts at Spithead, and going on as far as they are able with the other works that have been commenced, and are now in various stages of progress. The noble Earl has alluded to the works at Portsdown Hill. I think that any military man who considers the position of Portsmouth will come to the conclusion, that unless Portsdown is occupied, Portsmouth is entirely at the mercy of anybody

who can occupy that position. Well, if Portadown is to be occupied at all, is it to be occupied by works or by an army? I say by works, because by that means you will require a much smaller force, in order to hold the position effectually, than if you occupied it by an army. If Portsmouth is to be defended, and it is admitted that Portadown is the key of the position of Portsmouth, as I hold it to be—and I believe the same will be found to be the opinion of most military men—then it would require a much larger force to defend Portadown without forts than to defend it with troops and forts combined. The objection as to shutting up your troops there is quite untenable. Who are the troops that would be so shut up? Why, the raw levies of the country. And pray remember, if we were to have an invasion—and recollect that the whole question turns upon that, because if it is to be assumed that there can be no invasion, then I agree that these works are useless—but if you have before you the possibility of an invasion, there is no doubt that it would come upon us suddenly, unexpectedly, and at very short notice. Then the levies you would have to aid your regular troops would be so raw and inexperienced in the first instance, so far as the field is concerned, that they would be valuable to you only when in forts—it would only be when they had the protection and support of such works that you could make them generally useful. The argument which has been used in another place, that it was derogatory to the English soldier to fight behind walls, is the most extraordinary I can conceive. It is the first time in my life I ever heard that it was derogatory to us to use the resources of science and art in order to make a small force more available; and yet, I regret to say, such an argument came from a military man. Now, let us see what we require at Portsmouth. We require for occupying those forts the Militia and such of the Volunteers as may not be thought sufficiently drilled and trained to take the field. You will then have an available force of, say, 10,000 or 20,000 men who can issue from Portsmouth and fall upon the flank or rear of any enemy who may have landed on your shores and be advancing on London. But Portadown Hill does not stand alone. There is Dover, which my noble Friend says he has never heard a reason for fortifying. My noble Friend will recollect that the

late Duke of Wellington, who surely may be fairly quoted on such a matter, always said that Dover was one of the most important points on our coast, and that its defence ought to come within the system of defences for the whole country. The reason the Duke of Wellington gave for that opinion was this—that the works at Dover were not at all meant for defending the harbour. There is no harbour to defend. Dover is an intrenched camp, the only intrenched camp that we have along that whole line of coast, and a very vulnerable line it is. It is the only position in which you can place military stores and military assistance of every kind for the army that may be defending your shores. There you have a *point d'appui* for a great stretch of coast which is very vulnerable. And, if you have an available army of 30,000 or 40,000 men between Portsmouth and Dover, I contend that no hostile army, even if it effected a landing, could with safety or security move upon London. I maintain, then, that the defence of your capital lies very much in your occupying and strengthening Dover and Portadown Hill. Recollect, also, that on the whole of that line of coast there are very few harbours indeed, and none at all that can be entered without difficulty. But at Dover you have a magnificent landing-stage, where, under favourable circumstances, the largest line-of-battle ships can run alongside, and land men and stores. Only consider what a benefit that would be to an invading enemy. And, remember, it is situated at the very point of your coast which is at the shortest distance from the nearest Power which could ever land on your shores as an enemy. I trust, my Lords, that that may never occur; but still it may occur at some time or other, and surely it would be very injudicious for us to do what the noble Earl spoke of—namely, vote £5,000 or £6,000 to be spent in blowing up the works at Dover. I should extremely regret to see any such proposal made either in this or the other House of Parliament. I believe that what the Government have done at Dover has been wisely done, and will be valuable for the general defence of the country. My Lords, we cannot disguise from ourselves the fact that we have a very small army to defend a very great empire; that only a very small force can at any time be at home; and that we must mainly rely upon the raw levies which we can bring out at

any period for the support of that nucleus of regular troops. Let us, then, put those raw levies in a position where they can be made available. The only position where for a long time they can be made available is within works, where they will get confidence and efficiency. It is said that we have not artillery force to man these works. I can assure your Lordships that we have a very valuable body of artillery; that the Militia artillery have, within a short time, made very considerable progress, and we have a great many volunteer gunners; and, with a sprinkling of the ordinary artillery of the army, they would make most excellent gunners for manning all these works. If, on the other hand, you were to put those men in the field without the assistance of works, you would certainly have a poor chance of making them available. But place them in forts and they would prove most useful, and that, too, without in the smallest degree interfering with the strength or efficiency of your field artillery. Let me turn for a moment to another point. I have stated that you might have an available army of 40,000 men between Dover and Portsdown, to act against any enemy landing in this country. It may be said, that if you were to scatter your troops like that, you would have no force for the defence of London. I deny that. You have great facilities for moving troops by railway. The other morning 20,000 men were taken down to Brighton by rail in the course of four or five hours, and that too, recollect, in addition to the whole of the ordinary traffic of the country. Indeed, not only was the ordinary traffic carried besides the volunteers, but an extraordinary traffic also; because special trains ran at the same time to convey the public to see the review; and all this was done with great facility and regularity. In the event of an invasion, of course the whole transport by railway would be taken up by the Government. The troops could come up by two lines of rail from Portsmouth, and two railroads would also bring them up from Dover. The field artillery and the cavalry might be concentrated at Reigate, or some other suitable place. The force, then, in these detached forts would form one army under one command, and would be regarded as detached for the purpose of hanging upon the flanks of the enemy. I have referred, my Lords, to these military points because I thought they had not been sufficiently considered to-night, and because noble

Lords who have spoken have, perhaps, not entered as fully into military details as may be desirable. I do not pretend that my opinion is as valuable as that of many others, but still it is the same as was entertained by the Duke of Wellington, and not entertained by that great man alone, but—as was mentioned elsewhere the other day by a right hon. Friend of mine—by Napoleon the First also. The evidence of a gallant and distinguished Friend of mine has been quoted against the works in progress at Portsdown Hill; I refer to Sir John Burgoyne. But in the blue-book which contains the questions put by General Peel to a certain number of officers as to the effect of the new rifled gun upon works, Sir John Burgoyne states that he considers Portsdown Hill ought to be occupied—that it ought to be occupied by ten works, and that there should be three works between Portsdown Hill and Gosport alone; whereas the present proposal of the Government is that there should be six works for the whole of that line. And what does Sir John Burgoyne say in his evidence before the Defence Commissioners? Why, that if he had the men to defend the works at Portsdown Hill, he should be all for occupying them; but that he does not recommend the construction of those works at present, and he gives, as his sole reason for that recommendation, "the want of men to defend them." He adds, that if it were in France, he would recommend them to be occupied, but in England he would not. That appears to me a singular argument, and I refer to it because the opinion of Sir John Burgoyne has been much relied upon by those who are opposed to these works. My Lords, at this period of the evening I will not enter further into this subject, and I have only to thank your Lordships for your kindness in listening to me.

*Motion agreed to.*

House adjourned at a quarter past  
Eight o'clock, till To-morrow  
half-past Ten o'clock.

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HOUSE OF COMMONS,

*Thursday, June 26, 1862.*

THE CAMEL CORPS IN INDIA.

QUESTION.

GENERAL BUCKLEY said, he would beg to ask the Secretary of State for War,

Why the Officers and Men of the Rifle Brigade who composed the Camel Corps in India, commanded by Colonel Ross during the late Mutiny (having received a medal and clasps for services with Sir Hugh Rose's force in Central India), have not received a share of Prize Money?

SIR GEORGE LEWIS said, that the claims of the corps employed under Sir Hugh Rose were still under consideration, and he could not say when a decision would be arrived at. He hoped, however, that it would not be long postponed.

#### THE GERMAN LEGION AT THE CAPE OF GOOD HOPE.—REPLY.

SIR GEORGE LEWIS: I was unable, Sir, on a former day, to give to the right hon. and gallant Gentleman opposite (General Peel) the exact information he desired with respect to the circumstances under which a charge of £19,385 15s. 3d. was raised against the Army Grants for the year 1860-1, for German Military Settlers in the Cape Colony. I have since obtained that information; and, with the permission of the House, I will state what were the circumstances under which that expenditure took place. The charge is divisible into two parts—namely, pay and allowances, and building money. The first partly originated from the three regiments of German settlers having been kept by the Governor of the Cape on full pay longer than was contemplated, in consequence of a sudden movement of a vast number of Kaffirs from the Cape Colony back to their own country beyond the frontier, which, it was imagined, might have been attended with considerable evil; and partly from the continuation of half-pay to those men who were not effective, until the end of the financial year 1860-1, to enable them to overcome the difficulties they experienced in their transition from soldiers to settlers. The second arose from the accounts for part of the building-money advances in 1857-8 having been received during the past year, and the amount thereof could not legally be charged otherwise than in the account for the first open year—namely, 1860-1. It is also to be observed that £28,613 16s. 3d., granted by Parliament for the service of the German settlers, was appropriated in aid of the excesses on the Parliamentary account for the period—namely, 1857-8.

GENERAL PEEL said, he wished to know whether there has been any corre-

*General Buckley*

spondence upon the subject; and, if so, whether there will be any objection to its production?

SIR GEORGE LEWIS said, he understood that there was a voluminous correspondence between the War Office and the Governor of the Cape, upon which, he believed, the decision of the Treasury was founded. He had no reason to doubt that that correspondence might be produced, but he should like to look at it before he gave a final answer.

#### MONUMENTS AND STATUES.

##### QUESTION.

MR. THOMSON HANKEY said, he wished to ask the Chief Commissioner of Works, When the Return of Public Monuments and Statues in London, ordered on the 3rd of June, 1861, will be laid upon the table?

MR. COWPER said, that there had been considerable difficulty in getting accurate information upon some of the details of the Return, but he hoped that it would be laid upon the table in a few days.

#### OUR RELATIONS WITH CHINA.

##### QUESTION.

COLONEL SYKES said, he rose to ask the Under Secretary of State for Foreign Affairs, Whether, on the 28th day of April last, or on any other day, the Tartar Government officials were supplied with arms, ammunition, and military stores from the Arsenal at Hong Kong; whether these munitions of war were sold to the Tartar Government or were a gift; whether, on the evacuation of Canton by the Allies, many hundreds of prisoners in the gaols, amongst whom were the mother and some relatives of the Taeping Emperor, were handed over to the Tartar Governor; and whether any guarantee was obtained that the lives of the mother of the Taeping Emperor and of his relations should not be sacrificed?

MR. LAYARD said, that Her Majesty's Government had not received any information from China up to the date referred to, the 28th of April; and therefore he could not tell his hon. and gallant Friend if any arms, ammunition, or military stores had been given to the "Chinese" Government, for he did not know what the phrase "the Tartar Government" meant; but he might state that her Majesty's Government had determined that

arms, ammunition, and military stores not required for the service of Her Majesty might be sold to the Chinese Government at cost price. With regard to the other part of the Question, he begged to state that the hon. and gallant Gentleman must have been misinformed upon the subject to which it referred. When the allies took possession of Canton, they instituted a supervision of the gaols, and all persons imprisoned on account of any connection with the allies were immediately released. Criminals were detained in the gaols, and the administration of criminal justice was left as far as possible to the Chinese authorities, the British authorities watching over those who were condemned, to see that they were not tortured or subjected to undue punishment. He had been informed by Sir Harry Parkes, that during the time the allies occupied Canton, between thirty and forty persons were executed, and these were well-known criminals. Sir Harry Parkes had also informed him that he had made inquiries as to the mother of the Taeping chief, and had ascertained that she was left in charge of a large establishment of some 3,000 ladies, which it appeared he kept up. His mother was placed over them, to keep the ladies in order, and she appeared to be quite safe at Nankin. There were no Taeping women confined in the gaols of Canton. There were some women belonging to the Taepings, who were kept within the precincts of the gaol because there was no other place where they could be lodged, but they were not actually prisoners; they were well fed and clothed; and if they had been turned out, the probability was that they would have starved. They had been treated with the greatest humanity, and it was altogether untrue that they had been handed over to the Chinese authorities.

FORTIFICATIONS BILL.  
NOTICE. OBSERVATIONS.

SIR STAFFORD NORTHCOTE said, he wished to give notice that in Committee on the Fortifications Bill he should move the insertion of a clause or clauses to restrict the application of money which might be raised under the authority of the Act to the completion of such contracts for works as were already made, or such as might hereafter be made, subject to the previous approval of Parliament.

SIR GEORGE LEWIS said, that in re-

ference to a remark which fell from the right hon. Gentleman the Member for Wiltshire (Mr. S. Estcourt), at a late hour on Tuesday night, he wished to state that it was his intention to furnish the fullest information on the subject of works and fortifications, either with regard to past expenditure or with reference to future. He would take care to lay on the table of the House to-morrow an additional account to the one which had been circulated that morning, which he hoped might be in the hands of hon. Members by Monday next.

MR. SOTHERON ESTCOURT said, it would be satisfactory to the House if the right hon. Gentleman stated on what day it was his intention to move the second reading of the Fortifications Bill.

SIR GEORGE LEWIS said, he proposed to do so on Monday next.

TRANSFER OF LAND BILL.  
[BILL NO. 101.] COMMITTEE.

Order for Committee read.  
House in Committee.

Clauses 14 and 15 agreed to.

Clause 16 (As to Exception, &c., in Record of Title).

THE SOLICITOR GENERAL said, he wished to add the following proviso at the end of the clause :—

"And if there shall be any disputed question of boundary between the applicants and any proprietor of adjoining land, which shall not have been previously determined by any competent authority, it shall be competent for the parties, or either of them, to object in writing to the determination of such question by the registrar or by a judge of the Court of Chancery under this Act; and if any such objection shall be made, the registrar shall specify upon the record of title the existence of such disputed question of boundary, and that the registration is made subject thereto."

MR. WALPOLE said, the Amendment of the hon. and learned Gentleman would be a great improvement on the clause, but he had still some apprehension that it would not meet all the difficulties of the case. He feared that the result of registering boundaries would be to force the surrounding proprietors to employ solicitors to see how far their title might be affected by the party desiring to have his estate registered. The principle in all cases of that kind ought to be to avoid throwing upon parties other than those who wanted to have the benefit of the Act any legal or professional expense.

The SOLICITOR GENERAL observed,

that he did not think the apprehensions of his right hon. Friend well founded.

*Amendment agreed to.*

Clause, as amended, ordered to stand part of the Bill.

Clauses 17 to 20 were also *agreed to.*

Clause 21 (Before Registration Applicant and Solicitor to make oath that all Deeds, &c., have been made known to Registrar).

MR. WALPOLE, in page six, line four, moved to insert after "solicitor" the words "or certificated conveyancer." There were two sets of clauses in the Bill under which acts were to be done by solicitors and other persons. When the thing was to be done in the Court of Chancery it was clearly right that the solicitor who was employed should be the person in that case; but he thought in those cases in which the thing was to be done before the person who investigated the title, the certificated conveyancer ought to have his right secured him if the party wishing to register his estate thought right to employ him, and it was with that object he moved the insertion of the words.

THE SOLICITOR GENERAL said, he had no objection to the proposed words being inserted.

Clause, as amended, *agreed to*, as were also Clauses 22 and 23.

Clause 24 (Registration without Guarantee of Title may be made under certain Conditions).

MR. AYRTON said, some difference appeared to be drawn between the provisions with regard to notice in the case of defeasible and indefeasible titles.

THE SOLICITOR GENERAL said, the point raised by the hon. and learned Member deserved attention. His present impression was, that the Bill as it stood sufficiently accomplished the object in view; but in case it did not, it would be easy to introduce any alterations which might be requisite upon the report.

Clause *agreed to.*

Clauses from 26 to 38, inclusive, were likewise *agreed to.*

Clauses 39 to 66, inclusive, were *postponed.*

Clauses 67 to 112 *agreed to.*

Clause 113 (Appointment of Assistant Registrars and Examiners of Title).

MR. AUGUSTUS SMITH said, it appeared that the registrar and examiners of title were to be appointed by the Lord Chancellor. It was not stated, however,

*The Solicitor General*

from what class of the legal profession these important officers and examiners of title should be selected, although it was provided that the registrar should be a barrister of ten years' standing. The power of the Lord Chancellor with reference to legal appointments was becoming enormous; and after the recent appointments under the Bankruptcy and the Chancery Procedure Acts, it was expedient that some restriction should be placed on that power, with the view of insuring the selection of duly-qualified persons. He would therefore propose an Amendment, requiring that the appointment of the registrar and examiners of title by the Lord Chancellor should be with the consent of the Commissioners of Her Majesty's Treasury.

MR. AYRTON said, the position of registrars in Chancery at present was well defined, and there was no reason why the assistant registrars and examiners of title to be appointed under the Bill should not be barristers, solicitors, or certificated conveyancers. He should therefore move to insert the words "the assistant registrars and examiners of title shall be barristers, solicitors, or certificated conveyancers."

MR. WALPOLE said, they had got to an important part of the Bill—namely, that which related to the appointment of the staff who were to carry its provisions into effect. He thought, therefore, that the Committee ought not to proceed further until they had an intimation from his hon. and learned Friend the Solicitor General as to what the probable expense of the working of the Bill would be. The Committee ought to be informed, as far as it was possible to do so, as to the number of the staff, the expense which was likely to be incurred, and whether that expense was to be met by fees, or by money out of the Suitors' Fund, or out of the Consolidated Fund.

MR. COLLINS said, he hoped the Committee would accept the suggestion of the hon. Member for Truro, so that the patronage of the Lord Chancellor might be restricted. Under the Bankruptcy Act of last year a salary of £1,200 a year was to be given to a barrister, and the Lord Chancellor for the time being thought fit to appoint a person who had probably never held a brief in his life. Last year the House made a great mistake, for either the man was unfit for the work—a thing which he would not suppose—or the salary was too good. If the place did not

require a man of great ability and high qualification, a person with £300 or £400 a year ought to be put in it. While that House voted the salary, the Lord Chancellor would probably place in office some relation who would be dear at a tenth of the money.

Mr. MALINS said, he thought that the qualification ought to go further than was proposed by the Amendment, and that a barrister of five or ten years' standing should be required, otherwise a man might be called to the Bar for the purpose of getting one of those appointments. The officers to be appointed under the clause were to be substituted for men who now performed most important duties in Lincoln's Inn as conveyancing counsel. When it was considered that every man interested in land would in the most important cases have to depend on the knowledge of those officers, the Committee would see how necessary it was that a high qualification should be required. Was the Committee prepared to leave it to the Lord Chancellor of the day to say whether the salary given should be £2,000 or £1,500 a year, or whether the men who were to fill the offices should be barristers or solicitors called yesterday? Unless they took care that proper persons should be appointed, the working of the Bill would be most mischievous. He would strongly recommend his hon. and learned Friend the Solicitor General to postpone the clause for the purpose of considering who were to hold those offices, and what was to be the qualification.

Mr. ROLT said, he would suggest, whether, as they were to have a registrar, examiners of title, and clerks, it would not be possible for the present to leave out assistant registrars, who would probably receive £1,200 a year each.

Mr. PULLER said, he was of opinion that the clauses defining the qualifications of officers would only produce mischief, as they would relieve the Lord Chancellor from a portion of the liability which would otherwise devolve upon him. It was absurd to suppose that any person other than a barrister, solicitor, or conveyancing counsel would receive any appointment, unless, indeed, it might by chance happen that a person not so qualified was peculiarly fitted for the office. It would be best to trust to the unlimited responsibility of the Lord Chancellor.

The SOLICITOR GENERAL observed that the Bill must be tested by its results,

and it was quite impossible to say at present what would eventually be the extent of the establishment required to work the system. If it should prove successful, then, no doubt, a considerable establishment would be required; but as by the 125th clause fees, payable into the Consolidated Fund, were to be charged, it might in such case be expected to be self-supporting. Clause C enacted that the salaries should be paid by money to be provided by Parliament, and in accordance with Clause 111, the number of assistant registrars and other officers, and the amount of their salaries, were to be fixed by the Lord Chancellor, not at his own discretion, but with the consent of the Commissioners of the Treasury. Therefore, there would exist the check of those who were responsible for the vigilant control of the public expenditure, and who had never shown an undue disposition to facilitate needless expenditure of this kind. Another check would be the necessity of applying to Parliament to vote the requisite money. It was impossible, until they ascertained how the Act would work, to form a definite estimate of the expense of the staff that would be required, but he presumed that it would not be so much as £8,000 or £9,000 a year at starting, the estimated amount under a former Bill. If the measure should prove successful, a larger establishment and a greater expenditure would then be required. With regard to defining the precise qualifications for the assistant registrars and clerks, he agreed with the hon. Member for Hertfordshire (Mr. Puller) that it would be inconceivable that persons should be appointed who did not come within one or other of the classes named in the Amendment; he was, however, opposed to any attempt to define exactly any particular period of practice as necessary to qualify for any one of the officers named. He thought it would be safer in the first instance to rely on the responsibility of the Lord Chancellor, who would be anxious to see the system work in such a manner as to reflect honour on those who had introduced the measure. Examiners of titles would, he presumed, be called in on the same footing as conveyancers were at the present time.

Mr. SCULLY said, he trusted that the clause would pass without any amendment; for he should like to send the Bill back to the House of Lords unaltered. The Lords had sent down a Bill establish-

ing the two important principles of registration and indefeasibility of title, and he hoped the House of Commons would not "lose the sheep for the sake of a hap'orth of tar," by giving the Lords an opportunity of backing out of the important propositions they had agreed to. With regard to the assistant registrars and clerks, he thought the Bill provided sufficient security both as to the qualification of the parties appointed and the salaries; and with regard to the examiners, it would be easy to introduce a proviso to the effect that they should be barristers of a certain number of years' standing or certificated conveyancers.

MR. MALINS said, he for one, was unwilling to give the Lord Chancellor for the time being, whoever he might be, unlimited discretion in making such appointments as that of assistant registrar. Practically, the responsibility which had been spoken of had no place in the making of those appointments; and as the officer in question was to have a fixed salary, he could see no reason why the same security should not be required for his competency as was to be exacted in the case of the registrar. The assistant registrar would have to examine letters and transact a variety of business of the first importance in his office. It was therefore extremely expedient that he should be a duly qualified person and a man of standing in his profession. He would remind the Committee that MR. Hargrave, to whom reference had been made as having been appointed to the Encumbered Estates Court in Ireland, was previously well-known as a conveyancing counsel, and that his selection could not as a consequence be urged with justice in favour of the course proposed by the clause under discussion. Those being his views, the Solicitor General would, he hoped, consent to modify the clause.

SIR HUGH CAIRNS said, he did not think it would be expedient to fetter the clause with a description of the qualifications of the persons who were to hold office under its operation. It was the wiser course, he thought, to place confidence in the noble Lord at the head of the profession for the time being, with whom the appointment would rest. For his own part, the circumstance that a barrister happened to be of five, or seven, or ten years, by no means appeared to him to insure his being possessed of any particular qualification; while he was of opinion,

that if the Lord Chancellor were disposed to make an unfit appointment, he could do so with less difficulty if a certain number of years' standing were required as the necessary qualification, because he would then be enabled to urge in favour of any selection which he might have made the circumstance that he had complied in making it with the Act of Parliament, and had chosen a person who had been the time insisted on at the profession. The best security, therefore, for the making of proper appointments was, he thought, the responsibility to which his hon. and learned Friend seemed to attach so little importance. He had at first supposed that the examiners of titles contemplated by this Bill were to be officers similar to those who, under that name, were attached to the Landed Estates Court in Ireland. Such, however, it appeared would not be the case; because, while the duty of the last-mentioned officers was simply to compare the deeds with the abstract, and they were paid by salaries, these examiners were to be conveyancing counsel, to whom the title was to be referred, who were to do the very work for which the registrar was to be appointed, and whose fees would have to be paid by the person applying for a declaration of title, in addition to the other payments which he would have to make. On both these accounts he objected to their appointment, and he must remind the Committee, that when in 1858 the Landed Estates Court of Ireland was made perpetual, that House refused to give to the Judges power to take the opinion of counsel upon titles, on the ground that it would diminish their responsibility.

MR. AYRTON said, he would remind the Committee that the Act regulating the registry in Chancery required that the assistant registrar and all persons capable of succeeding to that office should be solicitors. He did not see why a similar safeguard should not be provided with regard to the registry created under this Bill.

MR. HIBBERT said, he wished to ask whether these appointments were to be made on the passing of the Bill, or only as business required them?

THE SOLICITOR GENERAL said, that he had no doubt that it was intended to make the appointments from time to time as the state of business rendered them necessary, but he could not undertake to state what staff might be required at first. The remarks of his hon. and learned

*Mr. Scully*

Friend the Member for Belfast, with reference to the examiners, were worthy of consideration; but he would not then enter into the subject, because the clauses referring to it must necessarily be postponed, and he should have an opportunity of conferring with his noble Friend the Lord Chancellor upon the matter.

MR. HADFIELD said, he regretted that no means should be afforded for registration in the country, but that all business connected with titles should be centralized in London.

MR. HENLEY said, he hoped the Solicitor General would reconsider the superannuation arrangement proposed by the Bill. If a man was only fifty years old, and was able to work, why should he be superannuated merely because he had performed twenty years' service?

THE SOLICITOR GENERAL said, he thought it would not be expedient to enter at that time upon the question of superannuation.

MR. WALPOLE said, that further explanation was necessary as to the remuneration to be given to the officers under the Bill. There was obscurity as to the different functions these different officers were to discharge, and he thought it should be stated what were the functions respectively of the examiners and registrars of titles.

THE SOLICITOR GENERAL said, he would make inquiry in the proper quarter. He understood that the functions of examiners would include every branch of examination as at present discharged by examining counsel of the Court of Chancery and solicitors. The clause, however, involved nothing except what was contained all through the Bill. Therefore he trusted the Committee would pass it, and it would be very easy to modify it on the report, if necessary.

SIR HUGH CAIRNS said, that if his hon. and learned Friend were right as to the duties proposed to be cast upon the examiner of titles, they were inconsistent in themselves. If he were to compare abstracts of titles with the originals, that was a duty properly devolving upon an attorney's clerk, while the duty of examining titles ought to devolve only upon a conveyancing counsel.

MR. MALINS said, he would express a hope that his hon. and learned Friend would postpone the clause. It could not be discussed properly on the report.

*Amendment negatived.*

MR. AUGUSTUS SMITH said, he would move that the words "with the consent of Her Majesty's Treasury," be added to the clause which vested these appointments in the Lord Chancellor.

MR. PULLER said, he thought it much better that the Lord Chancellor should bear the whole responsibility, and that the First Lord of the Treasury should represent a sort of court of appeal.

MR. WALPOLE explained, that the consent of the Treasury was only necessary to the amounts of the salaries. The appointment and removal of the officers was properly under the cognizance of the Lord Chancellor.

*Amendment negatived.*

*Clause agreed to;* as were also the remaining Clauses.

MR. W. B. BEAUMONT said, he thought that some further protection would be required for the interests of the owners of mines and minerals.

THE SOLICITOR GENERAL said, they had not only the ordinary protection given under the 12th section, but they had it in their own hands to protect themselves by entering a *caveat* with the registrar against the title of any other claimants. He should propose, however, on the report to introduce words for the still more effectual protection of the owners of mines and minerals.

MR. AYRTON suggested, that those who were brought into the registrar's office to defend their rights should have their costs paid.

MR. SCULLY said, there would be no difficulty in protecting mines, whether on the ground or under the ground. He would venture to congratulate the House on the prospect of so important and useful a Bill becoming law.

SIR JOHN HANMER said, he regretted that so very important a branch of real property as minerals was not directly mentioned in the Bill. In many parts of Wales and of the north of England the mines and minerals belonged to one person, the surface to another, and sometimes the lordship to a third. If a Bill of this kind were to be satisfactory to the owners of real estate all over the country, this case ought to be particularly stated, and to be dealt with by express words. He trusted that the Solicitor General would give notice of his intention, so that the owners of mines might take advice upon any new clause, because a small

oversight would be the source of more evil than could be easily conceived.

THE SOLICITOR GENERAL said, he would give early notice of what he intended to propose on the report. He would move an additional clause to meet the case of lords of manors. [Sir JOHN HAMMER : That will not meet the case.] He would only remark at present, that if an owner's title were patent and on the deeds, his case would be provided for by the Bill ; if it were latent and not upon the deeds, he must know his title better than anybody else, and might protect himself by entering a *caveat*.

MR. AYRTON said, that in some cases the fee of the surface was in the hands of one person and the fee of the minerals in the hands of another. The two were distinct; but the Bill seemed to treat the property in minerals as ancillary to the property on the surface.

MR. WALPOLE said, he was very anxious that the Bill should succeed. He did not think a greater boon could be conferred on landed proprietors than to give them the means of obtaining an indefeasible title. If, however, the measure imposed upon those who were unwilling to avail themselves of it the necessity for employing a professional gentleman and of incurring expenses in order to put themselves in as good a position as those who had taken advantage of its provisions, he believed the Bill would break down, and that Parliament would have again to be applied to.

*House resumed.*

Committee report Progress ; to sit again on *Monday* next.

#### DECLARATION OF TITLE BILL.

[BILL NO. 102.] COMMITTEE.

Order for Committee read.

House in Committee.

Clauses, as amended, *agreed to*.

MR. ROLT said, he wished to move a clause providing a register in which any person claiming any estate, or interest in land, or any encumbrance thereon, should be at liberty to enter his name and address, with the name of the county, parish, and township in which such land was situated, in such form as the Chancellor should order ; and that after such entry the Court should not make an order under the Act unless notice of the application had been given to the person who should have made the entry.

*Sir John Hanmer*

THE SOLICITOR GENERAL said, he should not object to the clause, while he at the same time reserved to himself the right of considering whether it was one which it would be desirable should pass into a law eventually. If so, it might be expedient to introduce such a clause into the other Bills on the same subject.

*Clause agreed to.*

*House resumed.*

Bill reported, with Amendments ; as amended, to be considered on *Monday* next.

Notice taken, that 40 Members were not present ; House counted ; and 40 Members not being present,

House adjourned at Eight o'clock.

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#### HOUSE OF LORDS,

*Friday, June 27, 1862.*

MINUTES.]—PUBLIC BILLS.—2<sup>a</sup> Liverpool Fire Prevention Acts Amendment ; Elections (Ireland) ; Elections for Counties (Ireland) ; Bleaching and Dyeing Works Act Amendment ; Unlawful Oaths (Ireland) Act Continuance.

3<sup>a</sup> Saint Thomas's Hospital ; Landed Property Improvement (Ireland) Act Amendment ; New Zealand ; Artillery Ranges.

#### EAST GLOUCESTERSHIRE RAILWAY BILL.

##### CONTEMPT OF THIS HOUSE.

The Order of the Day being read for the Attendance of William Isaacs, Clerk to Mr. Boodle, Solicitor at Cheltenham, and John Preston, Town Crier at Cheltenham, at the Bar of this House, at Four o'Clock, in reference to their Conduct with regard to the Signatures to the Petition of Barbara Robinson and others of Cheltenham, presented on the 22nd of May last, praying to be heard by Counsel against the "East Gloucestershire Railway Bill," the Yeoman Usher informed the House that they were in attendance : They were called in.

THE DUKE of RICHMOND : My Lords, In consequence of what took place before the Committee on the East Gloucestershire Railway Bill, of which Committee I was Chairman, the Committee went into certain points with regard to the mode in which signatures had been obtained to a Petition against that project ; and in consequence

of the evidence which was then brought before us that the two persons at the Bar had obtained signatures to the Petition by representing that it was in favour of the Bill, the Committee unanimously came to the decision that the names so obtained to that Petition should be struck off the Petition, and that the conduct of the two persons who had obtained them should be reported to the House. I therefore beg to move that the short-hand writer be examined upon the evidence which he took down on that occasion.

Then Francis Neate Walsh, the Short-hand Writer who took the Evidence given by the said William Isaacs and John Preston before the Select Committee of this House on the said Petition, was sworn to the Correctness of the Transcript of the said Evidence given before the said Select Committee; and having identified the said William Isaacs and John Preston, the Evidence was read to them, and they were examined as follows:

**THE LORD CHANCELLOR:** William Isaacs and John Preston, it has been proved to the satisfaction of a Committee of this House sitting on the East Gloucestershire Railway Bill, and also to the satisfaction of the House, that you have obtained signatures to a Petition against that Bill by representing that the Petition was in favour of it. Have you any explanation to give of your conduct?

**Preston:** Yes my Lord.

**THE LORD CHANCELLOR:** What explanation do you give?

**Preston** replied, that he was employed to obtain signatures to the Petition on the understanding that there was no objection to the Bill, but only to the clause providing that the line should be carried through the town of Cheltenham by means of a tunnel.

**Isaacs** said, that he was totally ignorant of the nature of the Petition, except that he was told that it was to oppose the line passing through the town in a tunnel.

**THE LORD CHANCELLOR:** If you were ignorant of the contents of the Petition, how came you to make the statement you did?

**Preston:** I had heard that the Bill had passed, and that the only object of the Petition was to oppose the line passing through the town.

**LORD WENSLEYDALE:** Who instructed you to obtain these signatures?

**Preston:** Mr. Linwood, the attorney.

**THE LORD CHANCELLOR:** How came you to say the Petition was in favour of the line?

Both **Preston** and **Isaacs** denied that they had done so.

**THE LORD CHANCELLOR:** Did you see the printed copy of the Petition?

Both admitted they did, and that they could read and write.

**THE LORD CHANCELLOR:** Who told you the Bill had passed?

The clerk to Mr. Linwood.

**LORD BROUGHAM:** Did you do anything except at the desire of Mr. Linwood's clerk?

Both **Preston** and **Isaacs** said that they had acted entirely according to the instructions of the clerk to Mr. Linwood.

**Isaacs** added that he had seen Mr. Linwood, whose only instructions were that they should get signatures—good names. He was paid £1 7s. 6d. for his trouble; he was engaged during portions of six or seven days, and there was no agreement as to the payment being according to numbers.

**THE LORD CHANCELLOR:** Did Mr. Linwood direct you to make any statement about the tunnel?

**Preston:** The clerk told us that. He said there was no objection to the railway, only to the tunnel.

**THE LORD CHANCELLOR:** asked Isaacs from whom he received his instructions.

**Isaacs:** Partly from Linwood, and partly from his clerk.

The examination was pursued at considerable length, but nothing new was elicited.

The said William Isaacs and John Preston were then ordered to withdraw.

**THE LORD CHANCELLOR:** My Lords, this is a matter which, I think your Lordships will agree with me, is a most serious matter, as it affects public interests, and as it affects your Lordships' proceedings and the privileges of this House. From reading the evidence before the Committee there can be no doubt that the men now at the Bar of your Lordships' House were, at all events, the instruments in making representations false in a most material point with regard to the contents and object of the Petition. When I speak of them as instruments, it must be at the

the conclusion—it was their conclusion entirely—that the old Company was entitled to have from the Government a guarantee for their dividend. That guarantee the old Act of Parliament gave effect to; but that guarantee, and the agreement with Government on which it was founded, did not entitle the Government to any lien on the property of the old Company. Well, then, the property was left in the old Company in a manner in which it could be applied to no useful purpose. Accordingly, an arrangement had been made with a new Company. The objection of the noble Earl (the Earl of Camperdown) was founded on this; and that objection, in his opinion, was, to a certain extent, rightly founded. The noble Earl said that there was no contract between the Government and the Companies set out in the Bill. It was, however, set out in the schedule. The noble Earl then asked where was the obligation thrown on the new Company to perform the conditions they had entered into? He (the Lord Chancellor) certainly thought the Bill deficient in that respect, and he should therefore suggest to his noble Friend who had charge of the Bill at the end of the first section, which concluded thus—"that the agreement of the 18th November, 1858, and all covenants and conditions contained therein, shall be deemed at an end," to add these words—"but the New Company shall be bound to fulfil the agreement contained in the Schedule to this Act." He thought the New Company would then be bound and rendered capable in law of performing the agreement.

*Words added.*

Lord OVERSTONE thought the Government in this case were perfectly right, and were proceeding upon an arrangement founded upon a reasonable consideration, and with a proper regard to the public interests.

EARL GREY admitted there was no objection in substance to the agreement. The Bill was at first objectionable from the vague manner in which it was drawn; but in its amended shape, and with the addition proposed by the noble and learned Lord on the Woolsack, it was substantially unobjectionable. He, however, still thought that it would have been better if there had been a clear contract made with the Company and set forth in the Bill.

Motion agreed to; a further Amendment made; and Bill to be read 3<sup>rd</sup> on Monday next.

*The Lord Chancellor*

KERTCH AND YENIKALE—PRIZE MONEY.

MOTION FOR CORRESPONDENCE.

THE EARL OF HARDWICKE rose to call the attention of the House to a correspondence between the Board of Admiralty and the Treasury, &c., on the subject of Prize Money claimed by the army and navy for the capture of Kertch, &c. The noble Earl said, the circumstances of the capture were described in the original despatch of Sir Edmund Lyons, from which it appeared that a number of British ships and an equal number of French arrived before Kertch on the Queen's birthday, and landed a body of troops, while some light steamers aided them in their operations. The enemy, taken by surprise, blew up his fortifications, mounting fifty guns! The expedition returned, after having succeeded in destroying three steamers and some heavily-armed vessels, besides large stores of provisions. By that operation the control of the Sea of Azof was obtained. Besides the property destroyed, other property was captured, including seventeen thousand tons of coal, and fifty guns, which latter were used before Sebastopol. The coals were worth a considerable sum, and they were used for the service of the fleet. In addition there were captured smelting works, a steam factory, a corn-mill, anchors, machinery, and metals of various kinds. The steam machinery was taken to Gibraltar by the advice of Sir John Hay, then a captain in the fleet, and it was still in use there. He was told that it was a common observation for soldiers and sailors to make when passing the dockyard, "That is what we have been robbed of." The Act of Parliament regulating the distribution of prize-money provided for a case of this nature. The officers, upon arriving in England, made their claims, but not until after considerable delay, which had been occasioned by no fault of theirs. They were told that a grant of public money would be given, equal in value to the property taken; and that if such grant were not made, they could establish their rights in a Prize Court. The Correspondence to which he wished to direct their Lordships' attention showed that the reason why the officers had not succeeded in their claims was, that there was a difference of opinion between the Admiralty and the Treasury upon the subject. As the noble Duke at the head of the Admiralty was present,

and as the President of the Council would, no doubt, defend the Treasury, their Lordships would be informed of the reasons which could be urged on either side. It was right to say that the Admiralty had done its best to induce the Treasury to grant a sum of money, and the conduct of the noble Duke had been thoroughly loyal towards the service. The opinion of the Admiralty was stated in a letter from Mr. Romaine, dated October 19th, 1861—

" My Lords consider that according to the custom of the service the captors are entitled to a grant of money for their services."

The Treasury replied that they did not see that there were any grounds for a grant of public money; but that it was in the power of the captors, with the consent of the Admiralty, to go into court to make good their claim. The Admiralty, although in doubt whether, after such a length of time, the court would entertain the application, gave their sanction to it. Subsequently, however, the Queen's Advocate gave his opinion that it would be very inexpedient for the Government to interfere in the matter at all. Thus these gallant men were placed in a situation most repugnant to a sense of justice. He presumed, that as the amount of the claim was about equal to the estimated surplus in the Exchequer at the end of the financial year, the Chancellor of the Exchequer was afraid to grant the money, lest there should not be a shilling left. Matters were, anyhow, in a very unsatisfactory state, but some expression of opinion on the part of their Lordships might induce the Government to do that which would relieve the Admiralty from the dishonour which accrued from our officers and men being—to use a popular phrase—"choused" out of their rights. He would therefore move—

" That there be laid before this House, Copy of Correspondence between the Board of Admiralty and the Treasury Board and the Queen's Proctor, on the Subject of Prize Money claimed by the Army and Navy for the Capture of Kertch and Yenikale."

THE DUKE OF SOMERSET said, that he did not hear anything of this claim until about six years after the affair at Kertch—that was, he first heard of it in the summer of 1861, whilst the capture of Kertch occurred in 1855—and could not find that any previous application on the subject had been made to the Admiralty. Such being the case, he was of opinion that there had been some neglect

on the part of the captors; but when he looked into the matter, bearing in mind the Queen's Proclamation and the Act of Parliament, it seemed to him that they were fairly entitled to the prize. The Proclamation of the 1st July, 1854, declared that it was the intention of Her Majesty to assign the benefit of all prizes taken during the war to the captors, and the Act of Parliament, passed in the same year, gave effect to that announcement. It therefore appeared to him that the military and naval force employed in this operation was entitled to prize in some shape or other. The Queen's Advocate, whom he consulted on the subject, pointed out the great difficulties which would be created by allowing the captors to go into a Prize Court after such a lapse of time, as it would give rise to a great many other claims, and as the question might be complicated by claims which might be raised on the part of the French and Turkish Governments. Concurring in this opinion, he therefore thought it would be the best way to apply to the Treasury to make a grant of money in lieu of the prize. He represented the case as strongly as he could to the Treasury. But they took a different view of the subject—they did not think that there were sufficient grounds to justify them in proposing a grant in lieu of prize. He was not able to ascertain what were exactly the grounds of that decision. As it took place in November, 1861, it could not have been owing to that financial pressure at which his noble Friend hinted. It was due, no doubt, partly to that spirit of economy which it is the duty of the Treasury to enforce. As he had at his option only two courses, and not those three of which they sometimes heard, he resolved to allow the captors to take the matter before the Prize Court, so that any claim on the part of the captors might be fairly tried. Before doing so, however, he again communicated with the Treasury; but their reply was not very decided, and he therefore thought proceedings might go on such as he had indicated. After a short time the Queen's Proctor wrote to him, protesting against this step, stating that it would be a serious embarrassment to the Government to proceed with the matter. He had made some inquiries, and he believed the agents had put the value at the highest; but, without regard to the amount, he thought that in principle the officers had a right to

have their claims fairly considered. He thought that the mode in which the Admiralty tried to meet their claims was fair, and he regretted that the course first proposed by the Admiralty had not been adopted. After the strong letter from the Treasury the Admiralty could not allow the matter to go into a Prize Court, a course to which there were, no doubt, many objections, and he imagined that the captors must now endeavour to induce the Government to reconsider the question, and propose a Vote out of the public funds.

LORD CHELMSFORD said, he felt obliged to say that the case of these captors was extremely hard. They had been bandied about from department to department until they were dropped on the ground, and no helping hand was stretched out to lift them up again. There could be no dispute as to the rights of these persons, because those rights were founded upon an Act of Parliament, which was as plain as any language could be, and which declared that their title should accrue after final adjudication of articles seized as lawful prize to Her Majesty in the Court of Admiralty. These coals, stores, and other articles were taken possession of by Her Majesty's Government, and appropriated to the public service, and all the difficulty which had arisen since was owing to no previous condemnation having been made. The captors naturally supposed that the Government would compensate them by a grant of money equivalent to the value of the prize, and they therefore did not move for condemnation, and they did not bring their claim before the Admiralty until 1861. When the question was first stirred, the Queen's Proctor recommended no proceedings for adjudication, but a grant of money from the Government, because the stores had been used for the public service. The noble Duke (the Duke of Somerset) took a very just and fair view of the case; but having no power to give a grant of money, entered into correspondence with the Treasury, in which, with all respect to the noble Duke, the Admiralty did not get the better of the Treasury. The correspondence commenced on the 19th of October, 1861, when the Admiralty asked whether it was expedient to allow the captors to proceed to adjudication of these articles as prize, or whether the Treasury would grant such a sum as to them might seem fit? The Treasury replied that there did not seem to be sufficient grounds for

interference to prevent proceedings in the Court of Admiralty. On the 14th of November the Admiralty asked whether the Treasury meant to express an opinion that proceedings for condemnation should be allowed to go forward. The Treasury, in answer, repeated almost word for word the previous letter, and expressed an opinion that there were not sufficient grounds to prevent the captors taking any proceedings which might be open to them. The Queen's Proctor then applied to the Admiralty to know whether he was to proceed to adjudication. The Admiralty sent the letter to the Treasury on the 27th of December, 1861, and on the 11th of March, 1862, the Treasury wrote that it was a question peculiarly for the decision of the Board of Admiralty. The Admiralty then gave authority to the Queen's Proctor to proceed; but, unfortunately, a formidable letter from the Queen's Advocate to the noble Duke, of the 29th of March, induced the noble Duke to alter the course which he originally intended to pursue. In a letter addressed to the Treasury on the 31st of March, 1862, the Admiralty said that, the applications for a grant of money having been refused, they did not consider themselves justified in withholding from the captors permission to take proceedings in a Prize Court; to which, on the 4th of April, the Treasury replied that the circumstance of their Lordships having refused such a grant did not warrant the proceedings commenced by the Queen's Proctor, and that the responsibility of allowing those proceedings to continue must rest with the Admiralty. The Board of Admiralty, however, were afraid of encountering this responsibility, and accordingly on the 10th of April they wrote to the Treasury, and said that before revoking the authority given to the Queen's Proctor, they would be glad to know whether the captors were to be informed that no grant would be made, and no proceedings allowed in the Admiralty Court. To this an answer was made that the Treasury felt that they ought not to be called on to decide upon an alternative course; that if the Admiralty had submitted the grant of a specific sum to the captors, it would have been the duty of the Treasury to consider and decide upon the proposal, but that they were not to be required to decide upon the adoption of one of two courses. Upon this he could not help thinking that the noble Duke had departed from the line of conduct which his own sense of justice had

previously induced him to take. On receiving this last letter from the Treasury, the Admiralty declared that it had been decided that after so great a lapse of time no grant of public money could be recommended to Parliament, and further that on the ground of the capture having been a joint one by the army and navy, and having been made in conjunction with the French army and navy, they did not consider it expedient to allow steps to be taken in the Court of Admiralty with a view to condemnation. Now, adequate provision was made in the Act of Parliament for cases where there was a joint expedition of the army and navy, and where our forces were engaged with those of our allies; and therefore no possible difficulty could exist upon this score. The noble Duke had faithfully, zealously, and sincerely endeavoured to obtain from the Treasury that to which he thought the captors were fairly entitled—namely, the grant of a sum of money; but when he found there was no hope of obtaining justice from the Treasury, he must have known that the only other mode by which they could make good their claims was by an adjudication of prize in the Admiralty Court, because until adjudication the property in the prize was not vested in the captors. Therefore, in declaring that he would not allow the Queen's Proctor to proceed for condemnation, he shut both doors against the captors, and deprived them of that which was their unquestionable right. In his opinion the captors had a very strong claim, and he thought they had been very hardly used.

**LORD COLCHESTER** said, that nothing was so dangerous as to break faith with a body of men like our soldiers and sailors, and in this case they appeared to have been juggled out of prize money to which they were well entitled.

**EARL GREY** said, that considering the importance of the subject, it ought not to pass without some further explanation. This was the first occasion on which the fact had been brought before Parliament that those who were responsible for carrying on the Government of the country were divided upon a question of extreme importance; that they were not prepared to come to an agreement upon it; and that, leaving the matter unsettled, they were ready to consent to the production of a hostile correspondence between two great Departments, which correspond-

ence showed that one Department thought Her Majesty's naval and military forces had been exposed to great injustice, while the other seemed to have determined that such injustice should not be redressed. Nothing of the same kind had ever taken place before, and he, for one, was utterly at a loss to understand how the Government could have permitted such a correspondence as that which had been quoted to night to be laid on the table of the other House, and how they could reconcile it to themselves not to come, as a Government, to a decision one way or the other upon so important a question.

**EARL GRANVILLE** said, this question had never been before the Cabinet at all. He was therefore not prepared to go into the merits of the case; but he must say, that as a general rule, especially at a time when there was a loud cry for economy from all sides, it was not much to be regretted that the Treasury should show a disposition not easily to admit claims which, after all, the persons who were most interested had refrained from making for a period of six years. The matter had not been made a Government question; but he expected to be able, when the noble Earl brought forward a more important Motion than the present, to state the course which the Government would pursue.

**THE EARL OF DERBY** said, he was quite sure, whatever might be the feeling in that or in the other House of Parliament—whatever desire they might have for the observance of economy—and he was one of those who were deeply interested in the principle of the strictest economy—he felt quite certain that no one thought that that economy ought to be practised at the expense of justice and good faith. Here was the Board of Admiralty admitting in the most distinct manner that the present claim was one under the faith of an Act of Parliament and the Queen's Proclamation; that it was not a matter merely of right or favour, but of the strictest justice. Nevertheless, owing to the difference which had arisen between the Treasury and the Admiralty, it was rendered impossible for an important class of persons to obtain the compensation to which they were entitled by a grant from Parliament, or to be permitted to establish their legal rights in a court of law. The difference in question had already been productive of grievous injustice, and, if continued much longer, it could not fail to excite great dissatisfaction in the army

and navy. He was astonished to hear that this question had never been submitted to the consideration of the Cabinet. It was not a theoretical question; it was one with which the Government ought to deal in its executive capacity; and when a difference arose between two members of the Government, a Cabinet was of no use at all if not as a final court of appeal. In the present instance grievous wrong had been done, and yet no Member of the Government had thought it worth his while to submit the question, upon which there was such a broad and important difference between the Admiralty and the Treasury, to the supreme authority of the Cabinet. A more discreditable mode of conducting public business it would be difficult to imagine, and he sincerely regretted that no satisfactory explanation had been offered to their Lordships on the part of the Government.

*Motion agreed to.*

CASE OF MR. EDWIN JAMES—HIS PATENT OF QUEEN'S COUNSEL.  
QUESTION.

LORD CHELMSFORD rose to call attention to the case of Mr. Edwin James; and to ask, Whether it is the intention of the Lord Chancellor to allow him to retain his Patent as one of Her Majesty's Counsel?

THE LORD CHANCELLOR: My Lords, in consequence of a Notice which has been placed on the paper by a noble and learned Lord, I have to state to your Lordships that Mr. Edwin James was disbarred by a resolution of the Society of the Inner Temple in July last. He gave notice of an appeal to the Judges, as he had a right to do, and that notice necessarily suspended the power of acting upon the order to disbar him. I have now received a communication, in which it is stated that the appeal to the Judges has been utterly abandoned, and will not be followed up. The order of the Society of the Inner Temple disbarring Mr. James was complete and effectual, but it left the patent which the Crown had graciously in former times granted to Mr. James unrevoked and apparently in full force. I do not think it right that there should remain on the record of grants of honour by the Sovereign letters patent giving dignity and place to Mr. Edwin James, and therefore I shall immediately take steps to have the patent superseded—which I should

*The Earl of Derby*

have done at once but for the circumstances to which I have referred.

House adjourned at a quarter past Seven o'clock, to Monday next, half-past Ten o'clock.

HOUSE OF COMMONS,  
Friday, June 27, 1862.

MINUTES.]—PUBLIC BILLS.—1<sup>o</sup> Parochial Buildings (Scotland); Inclosure (No. 2).  
2<sup>o</sup> Newspapers, &c.  
3<sup>o</sup> Consolidated Fund (£10,000,000); Companies, &c.

POOR RELIEF (IRELAND) (No. 3) BILL.  
[SIR ROBERT PEEL.]

[BILL NO. 15.] COMMITTEE.

Order for Committee read.

House in Committee.

Clause 21 (Paid Officers and others incapable of serving as Guardians).

MR. COGAN proposed an Amendment in line 17, by the addition of the words, "with the approval of the board of guardians;" the object being that the Poor Law Commissioners should not have the exclusive power of dismissing officers. The clause provided that officers dismissed should not be eligible for re-election for five years:

*Amendment proposed,*

In page 9, line 17, after the word "office," to insert the words "with the approval of the board of guardians."

Question put, "That those words be there inserted."

The Committee divided: — Ayes 29; Noes 54: Majority 25.

MR. SCULLY then proposed another Amendment, at the end of the clause to add—

"Provided, however, That the disability consequent upon dismissal from office shall apply only to dismissal for a criminal offence."

*Amendment proposed,*

In line 20, at the end of the Clause, to add the words "Provided, however, That the disability consequent upon dismissal from office shall apply only to dismissal for a criminal offence."

Question put, "That those words be there added."

The Committee divided: — Ayes 25; Noes 63: Majority, 38.

Clause, as amended, *agreed to.*

Clause 22 (Burial Expenses of Persons dying unknown).

The clause authorized the guardians of each union to bury the body of any person unknown who should be found dead within the union, and to charge the expenses to the union.

SIR EDWARD GROGAN moved an Amendment—

To leave out all after "that" to the end of the clause, and insert "the relieving officer of the union, with the sanction of the guardian or one of the guardians of the electoral division in which such person shall be found dead, shall proceed without delay in the burial of such dead body, giving notice to the guardians of his proceedings therein, and of the expenses incurred by him as soon thereafter as may be practicable in each case, such expense in each case not to exceed seven shillings and six pence."

Amendment, by leave, withdrawn.

SIR HERVEY BRUCE moved another Amendment—

At end, add "such expense in each case not to exceed ten shillings; and that the guardians of each union in Ireland shall provide for the burial of the dead body of every person dying or found dead within such union whose family or connections are (in the estimation of the guardian or one of the guardians of the electoral division in which such person shall die or be found dead) unable through poverty to bury such dead person, and shall charge the expenses of such burial on the poor rates of the union or of the electoral division, according as such person would have been charged on the rates if he or she had received relief when alive; Provided, That the relieving officer of the union, with the sanction of the guardian or one of the guardians of the electoral division in which such person shall die or be found dead, shall be enabled to proceed at once in the burial of such dead body, giving notice to the guardians of his proceedings therein, and of the expenses incurred by him as soon thereafter as may be practicable in each case, such expense in each case not to exceed seven shillings and six pence."

MR. H. A. HERBERT said, that a short time ago a labourer died on his estate. He sent for the son, and told him that he wished the man to be buried respectfully, and therefore he would pay the expense; and he authorized the son to send in the charge to him, and he would pay it. The funeral took place, and the bill came in. The items were so much for coffin, &c.; and then came—"Whisky and tobacco, £14 0s. Od."

LORD FERMOY strongly opposed the Amendment. That the guardians should be able to judge of the circumstances of the family in all such cases was quite impossible. No one with a knowledge of Ireland could sanction the proposal.

Amendment, by leave, withdrawn.

Clause agreed to.

Clause 23 (Irish Poor Law Commission further continued, 10 & 11 Vict., c. 90).

COLONEL GREVILLE moved an Amendment to the effect that the Chief and Under Secretaries of Ireland shall cease to be members of the Irish Poor Law Commission. He could not understand on what principle they were members of the Commission. When the Poor Law was first established in Ireland, only one of these officers was a member of the Commission. The result of their sitting on the Board was, that they had frequently to review, and to sit as judges upon, orders emanating from themselves.

SIR ROBERT PEEL said, he could not agree to the Amendment of the hon. Member. He thought it was desirable that there should be a representative of the Poor Law Board with a seat in the House of Commons, as was the case in England.

MR. McCANN said, there was no necessity for having the Under Secretary a member of the Board.

MR. MORE O'FERRALL said, that Ireland was unfortunately governed by boards, and he thought it desirable that the Members of the Government, who had to review the acts of these boards, should not be members of them.

LORD NAAS thought it advantageous that both the Chief and Under Secretaries should be members of the Board.

SIR GEORGE GREY said, he believed, as far as his right hon. Friend's personal convenience was concerned, he would be glad to be freed from the duties attending the office; but he thought it was, on the whole, desirable that he should be a member of the Commission.

MR. SCULLY complained, that the whole of the five Poor Law Commissioners were Protestant, and four of them Englishmen.

MR. BRADY said, the Under Secretary had attended the Board only nine times in four years.

COLONEL GREVILLE said, he had no objection to withdraw that part of his Amendment which referred to the Chief Secretary. But he had a very strong opinion that a Roman Catholic should be a member of the Board, and he wished to have an expression of the opinion of the Government.

SIR ROBERT PEEL said, that like his right hon. predecessor in the office which he held, he should have no objection to see a Roman Catholic a member of the Board; and when a vacancy arose

on the Board, he was sure the claims of any Roman Catholic who was otherwise properly qualified would be considered by the Government. But he could assure the hon. and gallant Member that the business of the Board was conducted without any reference to religious differences. He thought it would be invidious if the Under Secretary were excluded from the Board.

*Amendment, by leave, withdrawn.*

LORD NAAS proposed to continue the Commission for five years longer, instead of three, as at present provided. He thought the Commission had the confidence of the country.

MR. BUTT said, he did not wish to raise that question; but he could put his hand upon cases in which the Poor Law Commissioners had grossly interfered in religious matters, by which great dissatisfaction had been produced. If voting for a five years' continuance of the Commission was to be taken as a vote of confidence in the Poor Law Board, he should give every opposition to the proposition in his power.

SIR GEORGE GREY thought the proposal inconvenient, and hoped the noble Lord would not press it.

SIR ROBERT PEEL thought the longer period might be better for the working of the measure; but he was bound to adhere to the period fixed by the Bill, and hoped the Committee would support him in it.

LORD NAAS said, that as the Government opposed his suggestion, while admitting it to be a good one, he must withdraw his Amendment.

In lieu of Clause 1 (postponed) (Existing Enactments as to Chargeability repealed—Chargeability according to Residence),

SIR ROBERT PEEL moved the following clause:—

"All enactments contained in the Acts in force for the relief of the destitute poor in Ireland, which relate to the chargeability of persons relieved under those Acts upon unions and electoral divisions, are hereby repealed; and, in lieu thereof, It is Enacted, That every person so relieved after the passing of this Act who shall have resided in the union for five years next before the commencement of such relief, and shall also have resided in the course of that period for two years in some one electoral division of the union, shall be charged to the electoral division in which he shall have been longest resident, and for not less than two years as aforesaid; and in case he shall have been so resident for an equal period in

two electoral divisions, shall be charged to the electoral division in which he shall have been last so resident as aforesaid; and that every other person relieved after the passing of this Act shall be charged to the union at large: Provided, That nothing herein shall affect the present chargeability of any person who, at the date of the passing of this Act, shall be in the receipt of relief, but every such person shall remain chargeable to the union or electoral division, as the case may be, to which he may be chargeable at that date, and shall continue to be so chargeable when in receipt of relief at any future time, unless at some future time of commencing to receive relief he shall be chargeable to some electoral division under the provisions of this Act: Provided also, That, for the purposes of this enactment, the residence of any person shall be construed to mean the occupation by such person of some tenement in the union or electoral division, or his or her usually sleeping therein; but in estimating the time of residence in the union or electoral division, residence in the workhouse shall not be considered to be residence in the electoral division in which the workhouse is situated, but shall be considered to be residence within the union: Provided also, That the wife and children of every such person, whom he shall be liable by law to maintain, shall, when relieved together with such person, be chargeable in the same manner as such person."

*Clause brought up, and read 1°; 2°.*

MR. BLAKE moved to insert, after the word "Act," the words "shall be charged to the union at large," and leave out to the end of the clause. The town of Waterford, which he represented, was flooded by paupers who had been evicted from the surrounding districts.

Amendment proposed, in line 5, after the word "Act," to insert the words "shall be charged to the union at large."

MR. McCANN said, that the town he represented was also filled with paupers, who had been evicted by landlords of the surrounding districts.

MR. H. A. HERBERT said, it was most illogical to suppose that a union rating would check evictions. If anything, he thought it would encourage them.

MR. BAGWELL was in favour of a union rating, but he thought it was too large a question to be discussed on an Amendment at so late an hour.

MR. SCULLY was in favour of union rating.

LORD NAAS believed that a union rating would be most detrimental to Ireland.

Question put, "That those words be there inserted."

The Committee divided:—Ayes 19; Noes 86: Majority 67.

*Sir Robert Peel*

**MR. GEORGE** proposed after "union at large" to insert—

"Provided, That every person so relieved who shall have resided for the period of thirty months within the five years next before the commencement of such relief in some one electoral division in said union, shall be charged and chargeable to such electoral division in which he has so resided, although he may not have resided in said union for the full period of five years next before the commencement of such relief as aforesaid."

**Amendment proposed,**

In line 18, after the words "union at large," to insert the words "Provided, That every person so relieved who shall have resided for the period of thirty months within the five years next before the commencement of such relief in some one electoral division in the said union, shall be charged and chargeable to such electoral division in which he has so resided, although he may not have resided in the said union for the full period of five years next before the commencement of such relief as aforesaid."

Question put, "That those words be there inserted."

The Committee divided: — Ayes 39; Noes 71 : Majority 32.

**MR. CONOLLY** opposed the clause, believing that it would operate greatly against the interests of Ireland. The effect of the clause would strongly tend towards union rating.

**House resumed.**

Committee report Progress; to sit again this day.

**MARKETS AND FAIRS (IRELAND) BILL.**  
**QUESTION.**

**LORD NAAS** inquired, If it was the intention of the Government to proceed with the Markets and Fairs (Ireland) Bill and the Births and Deaths Registration (Ireland) Bill this Session?

**SIR ROBERT PEEL** said, it was quite impossible for the Government to make any arrangement when four hours were occupied that day in discussing two clauses of a Bill. It was his intention to proceed with the Markets and Fairs Bill, which was desired by the general trade of Ireland, although certain monopolists wished to continue the present state of things.

**MR. SPEAKER:** The hon. Member cannot enter into the subject of the Bill.

**SIR ROBERT PEEL:** Why not, Sir?

**MR. SPEAKER:** The time to discuss the Bill is when the Question is put that the Bill be now read. The Question now is to fix the time to which it is to be postponed.

**LORD NAAS** repeated his Question, and **SIR ROBERT PEEL** said, it was the anxious desire of the traders interested that the Markets and Fairs Bill should be proceeded with, and he should do all he could to proceed with it. He should fix the Bill for Monday next.

**ARMY MEDICAL OFFICERS.**

**QUESTION.**

**GENERAL LINDSAY** said, he rose to ask the Secretary of State for War, If any answer has been given to a Memorial presented on the 10th day of January, 1862, by certain Army Medical Officers; and if he has any objection to lay upon the table the Report of the Committee to whom the Memorial was referred?

**SIR GEORGE LEWIS** said, that no answer had been given to the Memorial referred to by the hon. and gallant Member. The Report of the Committee to whom the Memorial was referred was of an official and not of a public character, and he was not therefore able to lay it upon the table of the House.

**THE THAMES EMBANKMENT COMMITTEE.**

**QUESTION. OBSERVATIONS.**

**MR. KER SEYMER** asked the First Commissioner of Works, When he intended to proceed with the Committee on the Thames Embankment Bill?

**MR. COWPER** said, it was his intention to proceed with the Bill on Monday next, for which day it now stood on the paper.

**LORD ROBERT MONTAGU** said, that in accordance with the opinions of several hon. Members of standing and influence in that House, he was about to take a course which he was aware was unusual, and for which he must ask the indulgence of the House. To put himself in order, he intended to conclude with a Motion. This Bill, which was to be brought on upon Monday next, and directly after the debate on Fortifications was concluded, involved matters of the greatest and gravest consequence. The evidence which had been taken before the Embankment Committee, which filled a thick folio volume, had been placed in the hands of Members only the day before; the Bill, which contained 80 clauses, had been sent round to Members only that morning; and yet they were expected to go into Committee upon it on Monday, after the debate upon Fortifications.

on the Board, he was sure the claims of any Roman Catholic who was otherwise properly qualified would be considered by the Government. But he could assure the hon. and gallant Member that the business of the Board was conducted without any reference to religious differences. He thought it would be invidious if the Under Secretary were excluded from the Board.

*Amendment, by leave, withdrawn.*

LORD NAAS proposed to continue the Commission for five years longer, instead of three, as at present provided. He thought the Commission had the confidence of the country.

MR. BUTT said, he did not wish to raise that question; but he could put his hand upon cases in which the Poor Law Commissioners had grossly interfered in religious matters, by which great dissatisfaction had been produced. If voting for a five years' continuance of the Commission was to be taken as a vote of confidence in the Poor Law Board, he should give every opposition to the proposition in his power.

SIR GEORGE GREY thought the proposal inconvenient, and hoped the noble Lord would not press it.

SIR ROBERT PEEL thought the longer period might be better for the working of the measure; but he was bound to adhere to the period fixed by the Bill, and hoped the Committee would support him in it.

LORD NAAS said, that as the Government opposed his suggestion, while admitting it to be a good one, he must withdraw his Amendment.

In lieu of Clause 1 (postponed) (Existing Enactments as to Chargeability repealed—Chargeability according to Residence),

SIR ROBERT PEEL moved the following clause:—

"All enactments contained in the Acts in force for the relief of the destitute poor in Ireland, which relate to the chargeability of persons relieved under those Acts upon unions and electoral divisions, are hereby repealed; and, in lieu thereof, It is Enacted, That every person so relieved after the passing of this Act who shall have resided in the union for five years next before the commencement of such relief, and shall also have resided in the course of that period for two years in some one electoral division of the union, shall be charged to the electoral division in which he shall have been longest resident, and for not less than two years as aforesaid; and in case he shall have been so resident for an equal period in

two electoral divisions, shall be charged to the electoral division in which he shall have been last so resident as aforesaid; and that every other person relieved after the passing of this Act shall be charged to the union at large: Provided, That nothing herein shall affect the present chargeability of any person who, at the date of the passing of this Act, shall be in the receipt of relief, but every such person shall remain chargeable to the union or electoral division, as the case may be, to which he may be chargeable at that date, and shall continue to be so chargeable when in receipt of relief at any future time, unless at some future time of commencing to receive relief he shall be chargeable to some electoral division under the provisions of this Act: Provided also, That, for the purposes of this enactment, the residence of any person shall be construed to mean the occupation by such person of some tenement in the union or electoral division, or his or her usually sleeping therein; but in estimating the time of residence in the union or electoral division, residence in the workhouse shall not be considered to be residence in the electoral division in which the workhouse is situated, but shall be considered to be residence within the union: Provided also, That the wife and children of every such person, whom he shall be liable by law to maintain, shall, when relieved together with such person, be chargeable in the same manner as such person."

*Clause brought up, and read 1°; 2°.*

MR. BLAKE moved to insert, after the word "Act," the words "shall be charged to the union at large," and leave out to the end of the clause. The town of Waterford, which he represented, was flooded by paupers who had been evicted from the surrounding districts.

Amendment proposed, in line 5, after the word "Act," to insert the words "shall be charged to the union at large."

MR. MCCANN said, that the town he represented was also filled with paupers, who had been evicted by landlords of the surrounding districts.

MR. H. A. HERBERT said, it was most illogical to suppose that a union rating would check evictions. If anything, he thought it would encourage them.

MR. BAGWELL was in favour of a union rating, but he thought it was too large a question to be discussed on an Amendment at so late an hour.

MR. SCULLY was in favour of union rating.

LORD NAAS believed that a union rating would be most detrimental to Ireland.

Question put, "That those words be there inserted."

The Committee divided:—Ayes 19; Noes 86: Majority 67.

*Sir Robert Peel*

MR. GEORGE proposed after "union at large" to insert—

"Provided, That every person so relieved who shall have resided for the period of thirty months within the five years next before the commencement of such relief in some one electoral division in said union, shall be charged and chargeable to such electoral division in which he has so resided, although he may not have resided in said union for the full period of five years next before the commencement of such relief as aforesaid."

**Amendment proposed,**

In line 18, after the words "union at large," to insert the words "Provided, That every person so relieved who shall have resided for the period of thirty months within the five years next before the commencement of such relief in some one electoral division in the said union, shall be charged and chargeable to such electoral division in which he has so resided, although he may not have resided in the said union for the full period of five years next before the commencement of such relief as aforesaid."

Question put, "That those words be there inserted."

The Committee divided: — Ayes 39; Noes 71: Majority 32.

MR. CONOLLY opposed the clause, believing that it would operate greatly against the interests of Ireland. The effect of the clause would strongly tend towards union rating.

**House resumed.**

Committee report Progress; to sit again this day.

**MARKETS AND FAIRS (IRELAND) BILL.**  
**QUESTION.**

LORD NAAS inquired, If it was the intention of the Government to proceed with the Markets and Fairs (Ireland) Bill and the Births and Deaths Registration (Ireland) Bill this Session?

SIR ROBERT PEEL said, it was quite impossible for the Government to make any arrangement when four hours were occupied that day in discussing two clauses of a Bill. It was his intention to proceed with the Markets and Fairs Bill, which was desired by the general trade of Ireland, although certain monopolists wished to continue the present state of things.

MR. SPEAKER: The hon. Member cannot enter into the subject of the Bill.

SIR ROBERT PEEL: Why not, Sir?

MR. SPEAKER: The time to discuss the Bill is when the Question is put that the Bill be now read. The Question now is to fix the time to which it is to be postponed.

LORD NAAS repeated his Question, and

SIR ROBERT PEEL said, it was the anxious desire of the traders interested that the Markets and Fairs Bill should be proceeded with, and he should do all he could to proceed with it. He should fix the Bill for Monday next.

**ARMY MEDICAL OFFICERS.**

**QUESTION.**

GENERAL LINDSAY said, he rose to ask the Secretary of State for War, If any answer has been given to a Memorial presented on the 10th day of January, 1862, by certain Army Medical Officers; and if he has any objection to lay upon the table the Report of the Committee to whom the Memorial was referred?

SIR GEORGE LEWIS said, that no answer had been given to the Memorial referred to by the hon. and gallant Member. The Report of the Committee to whom the Memorial was referred was of an official and not of a public character, and he was not therefore able to lay it upon the table of the House.

**THE THAMES EMBANKMENT COMMITTEE.**

**QUESTION. OBSERVATIONS.**

MR. KER SEYMER asked the First Commissioner of Works, When he intended to proceed with the Committee on the Thames Embankment Bill?

MR. COWPER said, it was his intention to proceed with the Bill on Monday next, for which day it now stood on the paper.

LORD ROBERT MONTAGU said, that in accordance with the opinions of several hon. Members of standing and influence in that House, he was about to take a course which he was aware was unusual, and for which he must ask the indulgence of the House. To put himself in order, he intended to conclude with a Motion. This Bill, which was to be brought on upon Monday next, and directly after the debate on Fortifications was concluded, involved matters of the greatest and gravest consequence. The evidence which had been taken before the Embankment Committee, which filled a thick folio volume, had been placed in the hands of Members only the day before; the Bill, which contained 80 clauses, had been sent round to Members only that morning; and yet they were expected to go into Committee upon it on Monday, after the debate upon Fortifications.

There was another matter connected with the subject which he wished to bring before the House. The Thames Embankment Committee was appointed a long time ago, and it had sat for twenty-five full days; for a month and a half they had been occupied in taking evidence. They were considered competent to receive evidence and to pronounce a judgment upon it; and yet after they had performed this enormous amount of labour, after they had deliberated and come to a decision, an hon. Member who had only just entered that House, who had never yet sat upon a Committee, and had not heard a word of the evidence in this case, the hon. Member for Lambeth (Mr. Doulton), gave notice, before the evidence was laid on the table, of a Motion declaring that the judgment of the Committee was fallacious and wrong. He gave that notice before the evidence had been laid on the table, and therefore before he had any means of knowing what that evidence was. Out of doors the public had been prejudiced on this question by a journal of such power and influence that it created opinion not only for this country, but also in other countries. He was not blaming the conductors of that journal for the course which they had taken. They, of course, obtained information from any source from which they could get it, and wrote articles upon that information. If they considered that a Committee had acted wrongly, it was their bounden duty to show up that Committee and to protect the public against its acts. He might, perhaps, be allowed to make a few observations on a mistake which had been made by that journal, its conductors having no means of obtaining evidence—because it was a point of honour with every member of a Committee not to furnish evidence to any one; and the papers which were given to members were given to them, not that they might give information to other persons, but that they might look them over and get up the subject. Those papers were delivered, in the strictest confidence, to members of the Committee alone, and it was understood that no one else should be made acquainted with their contents. The Committee had been charged by the journal to which he referred with subserviency; and it had been alleged that they were afraid of the name of a Duke, that they had betrayed the interests of the public, and that when a great work was proposed, they refused to carry it out, from fear of injuring a Duke, or in any way

*Lord Robert Montagu*

going counter to his wishes. He must protest against that allegation. He hoped that no Member of that House would be so base or so mean as to be actuated by any such motives, and certainly he could answer that no Member of the Committee would be. The convenience of the Duke of Buccleuch was never once considered. It was on public grounds that the Committee determined to recommend that the embankment should commence below the Whitehall Stairs. [“Order, order! ”]

MR. SPEAKER: I must remind the noble Lord that it is an order of this House that a matter standing for discussion on a future day should not be made the subject of discussion, especially in the manner which the noble Lord is now adopting.

LORD ROBERT MONTAGU said, he would not allude further to that matter. He would merely say that there had been a great misapprehension with regard to it. But there was a story current in the House, which had reached every member of the Embankment Committee, and he thought it only fair and just to the right hon. Gentleman the Chief Commissioner of Works to relate the story to the House, in order that he might have the opportunity of explaining it, and, he trusted, of denying its accuracy. He had already given the proper notice to the right hon. Gentleman in private, in order that he might come down prepared with an answer. It appeared that a letter was written by the right hon. Gentleman, directed to a Mr. Higgins, containing minutes of evidence and information of what occurred in the Committee, that gentleman's attention being attracted to special passages thus—“I wish you particularly to look at this part of the evidence; I wish you particularly to look at such a question asked by such a member.” It sometimes happened, as they all knew, that the post did not always deliver letters with accuracy, and accordingly this letter, directed to one Mr. Higgins, went to another Mr. Higgins, a relation of the late Lord Chancellor. This Mr. Higgins read the letter, and, not knowing why he should be pestered with the proceedings of the Thames Embankment Committee, handed it to a member of that Committee, who told him to send it back to the right hon. Gentleman, stating that there must have been some mistake, and that he had sent the letter to the wrong Mr. Higgins. He did so, and the right hon. Gentleman accepted the letter. Full leave had been given by Mr. Higgins to

every one to mention this story, and to make any use of it they thought proper. He trusted the right hon. Gentleman would be able to give a satisfactory explanation. The Thames Embankment Committee, therefore, placed themselves in the hands of the House, and asked whether it was fair towards them, after they had spent twenty-five days upon a most stupid subject, in investigating very intricate questions, that they should be insulted out of the House, and have articles written against them upon information supplied by some member of the Committee. He asked the House to support the honour of that Committee, and to determine whether their labour was to be ignored, and their decisions spurned and laughed at. ["Question!"] The noble Lord concluded by moving that the House do now adjourn.

MR. COWPER said, he certainly was acquainted with a Mr. Higgins, and until the other day he was not aware that there was a second Mr. Higgins; and from what had occurred he did not feel the least desire to increase his acquaintance with the second Mr. Higgins. He would state in a few words what had given rise to this question: Happening to observe Mr. Higgins in the Thames Embankment committee-room, on meeting him subsequently he naturally asked his opinion on what had occurred before the Committee. He then found that Mr. Higgins was very imperfectly acquainted with the evidence which had been given before the Committee. That evidence, the House would bear in mind, was given in public, was taken down by short-hand writers, and was daily published in the newspapers, though of course very imperfectly, because very concisely. He was sure every member of the Committee must desire that correct views of the evidence should go forth, and that any mistaken notions should be corrected as soon as possible. Knowing that Mr. Higgins was a person of some influence in many circles, and was taking an interest in this question, he (Mr. Cowper) felt desirous that he should not be led away by any erroneous views of the testimony given before the Committee, and thereupon recommended him to get correct impressions by reading the evidence as soon as he could get it. That gentleman naturally expressed a wish for such information. He (Mr. Cowper) might have been considered to have acted improperly, and in breach of the understanding in respect of the pro-

ceedings in Committees, if he had given any of the evidence taken before the Committee during the time that it continued to sit. But after the Committee concluded their Report, and after the proceedings were closed, he did not suppose, and he did not now believe there was any reason why information relating to that evidence should be withheld. Therefore after the proceedings were all concluded, he picked up two or three papers of evidence which were lying in the committee-room, and sent them to Mr. Higgins, thinking it would be advantageous that he should have correct notions of what had been said. [Several hon. MEMBERS: Why?] He did not refer merely to Mr. Higgins, but to anybody. He should have been equally delighted to give similar opportunities to any other person taking an interest in the proceedings of the Committee, of knowing what the evidence really was that had been given publicly. The noble Lord (Lord R. Montagu) seemed to assume that he had written a letter containing something or other relating to the proceedings of the Committee. Now, he could assure the noble Lord that he had not written anything that could be properly described as a letter. He just put with the papers some references to the evidence, thinking they might enable Mr. Higgins shortly to get the information he wanted. He did not believe that he had done anything wrong—he was under the impression, that when a Committee finally concluded their labours and made their Report, there was no longer an objection to any member of the Committee using those printed papers which at the time were in the hands of the printer, the counsel, and the solicitors—which were lying about the committee-room, and which any reporter of any newspaper might have obtained—nor in making the use he did of them did he think he had violated any confidence whatever.

MR. HORSMAN said, he did not think the subject on which the right hon. Gentleman had just spoken was one which either he or the House ought to treat with levity. The right hon. Gentleman said he communicated information to Mr. Higgins as one of the public. He asked him now to answer, in the face of the public, whether or not he communicated information to Mr. Higgins because he was a writer in *The Times*, and because he wished that information to be communicated to *The Times*? He would ask the right hon. Gentleman a second question. Did he

communicate correct information to Mr. Higgins, and were the statements made by Mr. Higgins, on the authority of the right hon. Gentleman, true statements? As a party interested, he wished to know if this was the statement which the right hon. Gentleman made to Mr. Higgins—

"The real reason put forward by counsel before the Committee was that the Duke of Buccleuch and one or two other noblemen and gentlemen who live between Whitehall Stairs and Westminster-bridge, wish to enjoy all the advantages afforded to them by a profuse expenditure of the public money in purifying *The Times* (*great laughter*)—in purifying the Thames, and in constructing this embankment, without being exposed to certain imaginary disadvantages which they conceive may be inflicted on them by the proposed new thoroughfare along the banks of the Thames."

He hoped that statement was not made on the authority of the right hon. Gentleman, because, from beginning to end, it was utterly void of truth, as the right hon. Gentleman must have known, though Mr. Higgins might not. [Mr. COWPER: Where is that from?] It was from the letter of a "West Londoner," taken from *The Times* of the 23rd of June. The second statement was to this effect—

"It appears that these noblemen and gentlemen hold Crown leases of the ground on which their houses are built. It is not pretended that these leases would prevent the construction of the proposed public quay; but it is pretended that a certain honourable understanding existed when the said leases were granted or renewed, which ought to protect their holders from such an innovation."

Was that communicated to Mr. Higgins? He hoped not; but he was sure Mr. Higgins never would have made that statement if he had known that from beginning to end it was utterly void of truth. He would not press the matter further at present, because it was not one which could be permitted to drop; but he must express his surprise that the right hon. Gentleman, an old Member of the House, should feel himself at liberty to get up and say that he, the Chairman of a Committee nominated by himself, before the evidence taken by that Committee was in possession of the House, had put himself in communication with a writer in an influential public journal, for the purpose of having statements put forward which had poisoned the public mind to such an extent that the right hon. Gentleman himself must now be made responsible for the misstatements he had so propagated. No Member of the House could help feeling the degrading and humiliating position in which the Committee were placed on finding their

own Chairman directing public opinion against them, furnishing the materials for charges against them of meanness and subserviency, and calling on the public to step in and control the action of the Committee, who, in subserviency to the noble Duke, were sacrificing the interests of the public. The point, however, of most immediate importance to the House was the announcement which the right hon. Gentleman had made of his intention to bring on this Bill on Monday evening. This was plainly impossible. Till now the right hon. Gentleman and his friends, having the evidence before them, had matters all their own way. But now that it was published, time to consider it must be given to the House. The right hon. Gentleman had put the Committee and the Crown lessees upon their trial; they intended now to return the compliment, and to put the right hon. Gentleman upon his. What were the facts? The evidence was hardly yet in a complete shape, and the Bill had only been delivered that morning. There was no time to go through the measure in detail and to give notice of Amendments before Monday next. He therefore recommended that the Government should postpone it to a more distant day. There were still other matters which it was his duty to lay before the House. During last Session two plans were submitted to the Cabinet—one by the Chief Commissioner of Woods, and the other by the Chief Commissioner of Works, and it was the desire of the Government that these two should be laid before the Committee and the public in order that both might be discussed. But the right hon. Gentleman the First Commissioner of Works set that intention at nought, and only one plan was laid before them. The Committee was appointed, and the hon. Member for Perth (Mr. Kinnaird) moved for the correspondence between the Treasury and the Chief Commissioner of Works, and between the Treasury and the Chief Commissioner of Woods. The right hon. Gentleman, having taken a day to consider, told the Committee that the correspondence was too voluminous. It was again asked for, the Committee being anxious to peruse it, especially the letters of the right hon. Gentleman the Chancellor of the Exchequer. The right hon. Gentleman the First Commissioner of Works then gave a different answer to the Committee. In reply to their demand for the correspondence, he said he had perused

it, and that it was not relevant to the inquiry. However, when the Committee had come to the close of their inquiry, and came to consider their decision, it appeared to them that the correspondence was not only important but was at the bottom of the whole question, and he thought that nineteen out of twenty Members who had looked at it, would agree that it was relevant. Instead of the Duke of Buccleuch and the lessees putting themselves in opposition to a particular plan, they only gave the preference to one of two plans—to a plan which the Committee thought right to adopt, and which he ventured to think would be approved by the House when all the facts were before them. But there was something further in the correspondence. He believed the right hon. Gentleman had incurred, and rightly, the remonstrance of the Chancellor of the Exchequer, on the ground that while there was a conveyancer in his office, at a salary of £1,500 a year, he put this matter in the hands of Messrs. Baxter and Rose; and not only that, but in addition to that firm, he employed as agent a solicitor at Hertford, so that two parties, the Hertford solicitor and Rose and Baxter, were both employed in a matter for which the country were paying a conveyancer attached to the Board at the rate of £1,500 a year. Under these circumstances the House ought to have all the Correspondence before them, and they ought to hear how the Chancellor of the Exchequer had discharged his duties in connection with this matter. The hon. Baronet the Member for Westminster (Sir J. Shelley) had given notice to move on Monday for all the Correspondence, and therefore he hoped that the further proceedings on the Bill would be postponed to Thursday next, and that in the mean time the right hon. Gentleman would present the Correspondence, so that no further delay might take place. He believed the House would feel it to be necessary that all the Correspondence should be before them. This was not a question now between the lessees of the Crown and the Committee, but a question between the Government and Mr. Penne-thorne's plan and the Correspondence relating to it; and it was also a question whether the Committee had discharged their duty in regard to the public interests in a matter where a large sum of public money was involved. He hoped there would be no attempt to proceed further with the Bill until Thursday next.

MR. COWPER hoped the House would permit him to say a word of explanation in reply to a question put to him by the right hon. Gentleman who had just spoken. The right hon. Gentleman said he would put him on his defence. The right hon. Gentleman, being personally interested in this question, as occupier of one of the houses in the locality, might have reasons for attacking him (Mr. Cowper) and making him a defendant; when, according to the rules of the House, he was unable to answer the right hon. Gentleman's charge fully, but he should be prepared to meet it on the proper occasion. In answer, however, to the question addressed to him, he could assure the right hon. Gentleman that the letter which had given rise to the noble Lord's question never reached the Mr. Higgins for whom it was intended, but was intercepted by the other Mr. Higgins, and therefore could have had no influence on the gentleman to whom it was addressed, in respect of anything which he had said or written. An extract had been read from some comments on the proceedings of the Committee that appeared on the 23rd of June; but he could assure the right hon. Gentleman, that as his letter to Mr. Higgins was written subsequently to that date, it could not have influenced him in anything he did before the 23rd of June.

MR. KER SEYMER remarked that he had not received a satisfactory answer to his question as to when the right hon. Gentleman meant to bring forward the Bill. The right hon. Gentleman said he would bring it on after the Fortifications Bill on Monday; but as that discussion would occupy a long time, he hoped, now that the noble Lord at the head of the Government was present, that assent would be given to the postponement of the discussion till Thursday, when it could commence at half-past four.

SIR JOHN SHELLEY said, that as a member of the Committee, he must express his opinion that the fact of the right hon. Gentleman, as Chairman of the Committee, having corresponded with a gentleman who was well known to be a correspondent of *The Times*, was another instance of the way in which the Committee had been treated by the right hon. Gentleman. The truth was, that from first to last the matter had not been placed before the Committee in a fair, open, and impartial manner. The truth was, they had before them only one scheme, and—

he said advisedly—there was an intention to place the Committee in an unfair position ; and he defied any one to read the blue-book and come to a different conclusion. The whole question had been one of dispute between the heads of two departments—the head of the Office of Woods, and the head of the Office of Works. The Treasury was the department which had the control over both these, and it was the duty of the House to see that the Treasury had exercised its power in this matter. Even on the information the House had, it was clear that the Treasury intended that both schemes should be placed before the Committee. Only one was brought before it, and the alternative plan of Mr. Pennethorne was never before it at all. The Committee also intended that the whole of the correspondence should appear ; but when the appendix came out, it appeared that the whole of the evidence had not been produced. He proposed, on Monday next, unless the Government assured the House of their intention to give the correspondence, to move that the same should be laid upon the table of the House. It was right he should tell the House, and, although it did not appear in the evidence, it was a fact that would be corroborated, that the Committee unanimously, with the exception of the right hon. Gentleman, insisted upon the whole of the correspondence appearing. The House could not come to a fair and just conclusion without the whole of this correspondence before it. This was a matter of too much importance to be decided in an off-hand way by any Government ; the House ought to have the subject brought fully before them. He therefore protested against any attempt to force on this Bill after the House should have been fatigued by a long discussion about the national defences. As regarded the correspondence with Mr. Higgins, he should like to know why Mr. Higgins was to be informed more than anybody else—why he could not wait until the evidence was printed and in the hands of the Members ? If he had waited patiently until the Members had the Report, he could have then sifted the evidence and made any comments he thought proper. If the right hon. Gentleman decided to go on with the Bill on Monday, it would be another instance of his un-fairness towards the Committee.

VISCOUNT PALMERSTON observed that there was no greater waste of time

*Sir John Shelley*

than to discuss what they were going to do on a future day. But as the Report of the Committee, with the evidence, had only been circulated that morning, he thought it not unfair to ask that the discussion on the Bill should be taken on a later day than Monday. He should therefore suggest to his right hon. Friend to fix it for Thursday.

MR. GARNETT hoped the right hon. Gentleman would have a plan showing Mr. Pennethorne's diversion of the road at Whitehall Stairs, prepared before Thursday, and that he would also lay upon the table a sketch of the works submitted to the Select Committee.

MR. E. P. BOUVERIE said, that when this Bill was being referred to a Select Committee he took the liberty of suggesting, that in order to secure impartiality, the Committee should be selected in the same way that Committees on private Bills were selected. He got no support for that suggestion ; but he thought what they had just heard was sufficient to show that it would have been well had it been adopted. He would only say that the sooner the House changed its practice in appointing Committees on hybrid Bills the better.

SIR WILLIAM JOLLIFFE cordially assented to the opinion of the right hon. Gentleman, that these Committees ought to be chosen in some different manner. As an old Member of that House, he had had frequent occasions to serve on Committees, but he had never suffered so much pain as from the mode in which the business before them was conducted. A long discussion must take place when this question came on, and as the noble Lord at the head of the Government had assented to postpone the matter until Thursday, a debate at the present moment was unnecessary. He thought, however, he had heard the right hon. Gentleman (Mr. Cowper) contradict an hon. Member on the Opposition benches as to some proceedings before the Committee with regard to a portion of the correspondence which had not been laid before the House. The decision of the Committee was solemnly taken, and was unanimous that this correspondence should appear in the form of an appendix, and that the alternative plan which the Treasury correspondence contemplated would be laid before Parliament. That correspondence had been promised, but did not appear in the Report ; and he trusted

that before Thursday all the correspondence referring to this alternative plan would be fully before the Committee.

MR. COWPER said, that if the right hon. Gentleman would look at the blue-book, he would see it stated that the plan would be delivered as soon as it was ready. It was in the printer's hands, and it was not his fault if there had been any delay. All the correspondence referred to in the decision of the Committee had been produced:—at least, he was not aware of any further correspondence; but if there were such he should be ready to produce it.

SIR JOHN SHELLEY rose to address the House, but was stopped by cries of "Spoke, spoke."

MR. SCULLY said, he wished to call the attention of the House to the fact that all the rows this Session had been English rows. ["Oh!"] If the House did not interrupt him, he would not detain them long, for he had no wish to spoil sport, though he should be glad when it was all settled. He had read the evidence of the right hon. Gentleman the Member for Stroud (Mr. Horsman), and the Duke of Buccleuch, and he observed that the right hon. Member for Stroud disclaimed all private interest. The Duke of Buccleuch's evidence was to the same effect, except that he said he would stand on his rights. The right hon. Gentleman (Mr. Cowper) had insinuated that a private and confidential matter had been communicated by him in a letter to Mr. Higgins, the information contained in which had been made use of by the person into whose hands it fell for the purpose of attacking the Committee. The Mr. Higgins into whose hands the letter fell was not, however, the Mr. Higgins for whom the letter was intended. Now, it had happened to himself occasionally that letters not intended for him had fallen into his hands. He had considered that in such cases it was his business to forget everything that he had read in those letters, and to send them either to the person who wrote them or the person to whom they were addressed. He could not, therefore, understand how this letter could be made use of in the House of Commons.

MR. AYRTON said, it had been stated that the Committee had deliberated on a Resolution which was not reported in the proceedings among the Resolutions considered by the Committee. He wished to ask the Speaker who was responsible for the non-appearance of the Resolution in

the proceedings, and what steps the House ought to take to possess itself of this Resolution. The House had a right to know what became of the Resolution put by the Chairman of the Committee from the chair, and whether it ought not to have been recorded and reported. The House was entitled to have this Resolution before it, because it might materially bear upon the question before the House. He trusted that the right hon. Gentleman in the chair would inform the House how it might deal with this very serious question; because if the House lost confidence in the solemn records of the proceedings of its Committees there would be, until this matter were cleared up, an end to all respect for their Resolutions.

MR. SPEAKER: The Committee clerk attending the Committee is responsible for taking down everything that occurs in a Committee.

Motion, by leave, withdrawn.

#### SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

#### COMMERCIAL TREATY WITH BELGIUM. OBSERVATIONS.

MR. LAYARD said, that his hon. Friend the Member for Newcastle (Mr. S. Beaumont), who had given notice of his intention to bring under the consideration of the House the failure of the negotiations with the Belgium Government for a commercial treaty, had once already postponed his Motion for papers. He had now to ask his hon. Friend once more to defer his remarks, as a discussion of the subject at present would only prejudice the object which his hon. Friend had in view.

MR. SOMERSET BEAUMONT said, that he could not refuse to comply with the request of the hon. Gentleman the Under Secretary for Foreign Affairs. At the same time, the Session drawing to a close, and the matter being a very important one, he should await with some anxiety the result of the negotiations.

#### PROCEDURE OF THE IRISH COURTS. QUESTION.

MR. BUTT said, he wished to ask Mr. Attorney General, When it may be

expected that any Report will be made from the Commission appointed to inquire into the procedure of the Irish Courts ; and what progress has been made in the execution of that Commission ?

THE ATTORNEY GENERAL was understood to state that the Report of the Commissioners was being prepared, and that it would soon be in the hands of hon. Members.

**PAROCHIAL ASSESSMENTS BILL.**  
QUESTION.

COLONEL WILSON PATTEN said, he wished to ask the President of the Poor Law Board, Whether it is still his intention to proceed with the Parochial Assessments Bill during the present Session ?

SIR JOHN TROLLOPE expressed a hope that the right hon. President of the Poor Law Board would fix some other day than Tuesday next for the Committee on the Poor Law Assessments Bill, inasmuch as many of the country Gentlemen would on that day be attending the Quarter Sessions.

MR. C. P. VILLIERS said, that it was the intention of the Government to proceed with this Bill at a morning sitting ; but as hon. Gentlemen would be engaged at the Sessions next week, he would defer the sitting to a later period.

**RESERVED CAPTAINS OF THE NAVY.**  
SELECT COMMITTEE MOVED FOR.

SIR JOHN HAY said, it would be in the recollection of the House that the claims of certain Reserved Officers of the Navy had been occasionally discussed, and a good case appeared to have been made out in their favour and some high legal authorities had given an opinion in their favour. The Admiralty, however, had submitted their claims to the consideration of the Law Officers of the Crown who had decided against them. He thought the gentlemen whose claims were thus decided upon were entitled to know what case had been submitted to the Law Officers, or to have a Select Committee appointed to see upon what grounds the decision to which he referred had been given. The captains themselves had submitted their case to very high legal authority, whose opinion was quite different from that of the Law Officers of the Crown. He begged, therefore, to move for a Select Committee to inquire into the case of the reserved Captains.

*Mr. Butt*

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed, to inquire into the case of the Reserved Captains of Her Majesty's Navy,"

—instead thereof.

ADMIRAL WALCOTT seconded the Motion.

LORD CLARENCE PAGET assured his hon. and gallant Friend that the Admiralty had given the most careful consideration to the case of these officers, and the more so because it had been stated that the Order in Council by which their positions were fixed was not clearly worded. Did the hon. and gallant Gentleman suppose that the Admiralty had laid an unfair statement of the case before the Law Officers ? [Sir JOHN HAY said he had not made any such imputation.] He was glad that his gallant Friend did not impugn the honesty of the Admiralty. The Admiralty had given the Law Officers every information in their power ; they stated the case fully, for as well as against the captains ; and the Law Officers, after carefully going into the facts, gave their opinion. It was not usual to produce the opinion of the Law Officers, and he regretted that circumstance in the present instance.

MR. BAILLIE COCHRANE said, as the noble Lord seemed to admit that there had been a misunderstanding, that circumstance should operate in favour of these officers.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided :—Ayes 108 ; Noes 92 : Majority 16.

**BRITISH FORCES IN INDIA.**  
OBSERVATIONS.

MR. BUXTON rose, pursuant to notice, to call attention to the amount of European Forces maintained in India. He believed, that the more any one studied Indian affairs, the more profoundly convinced he would become of the truth of a remark made by Mr. Kaye, the celebrated advocate of the East India Company, that "it would be well that it should be clearly understood how, at the bottom of all our misdoings, and all our shortcomings, is the miserable want of money ;" and that it was absolutely impossible for us to have an overflowing exchequer, and avoid the disas-

trous evils that had arisen from the want of means of the Indian Government, in any other way except by reducing the army to the lowest possible point consistent with the entire security of the Empire. Being deeply impressed with the dire necessity (if India was to attain the prosperity to which she was entitled) of reducing the military force far below its present amount, he brought forward the subject in 1859, and again last year. He had the happiness now, which he had not on those occasions, of acknowledging that so far as the Sepoy force went the Indian Government had been making very considerable exertions in that direction. Within the last two years the Native army had been reduced from 350,000 to 130,000 men, and he was sure he was only expressing the feeling of all who took an interest in Indian affairs in saying how deeply thankful they were to the Government of India, and especially to Colonel Balfour and his colleagues of the Military Finance Department, for that immense reduction. But in the amount of European force the reduction had hitherto been comparatively small. Mr. Laing, indeed, in his budget, spoke of a reduction in two years from 90,000 to 70,000 men; but he regretted to say that that statement would be extremely illusory if taken literally. The actual amount of European force maintained on the 1st of last March at the cost of the Indian Government, was 84,327 men. Of these 72,796 were in India, and 11,531 were in the dépôts at home. This, then, was the fact with which they had to deal, that the amount of European force maintained by the Indian Government amounted to just 85,000 men, and apparently there was no intention of bringing it below that amount. At any rate troops to the amount of 2,423 had just received orders to embark for Calcutta, 870 for Bombay, 772 for Madras, and 224 for Kurrachee, amounting in all to 4,300 men. This did not look like a reduction of the 85,000. Now, this amount exceeded by no less than 5,000 men the amount proposed to be maintained in India by the Commission which inquired into the subject of the Indian army soon after the mutiny. That Commission recommended a force of 80,000, and possibly, he thought, the Secretary of State might meet him by saying that he proposed in due time to reduce the force to that amount. He earnestly trusted that this might be done, and done soon. That, however, would not by any means content him. The more care-

fully he examined into the subject the more cordially did he join in the opinion of those Indian statesmen who looked with consternation at that proposal of the Commission, and who entirely denied the necessity for the maintenance of so vast a force. In fact, no Commission ever made a recommendation seemingly with less care and thought, or one less borne out by the evidence before them. The truth was, that that Commission was entirely absorbed by what they deemed to be the important question as to the amalgamation of the two armies; and although, unhappily, they made this recommendation, they did not take the trouble to assign any reason of any sort or kind for putting the amount at that point. They put a question to some of the witnesses as to what amount of force they would suggest; but in no single instance did they require the witness to give any ground for his suggestion. More than this, not only did they supply no reasons whatever, either of their own or of the witnesses examined by them on the subject, but the conclusion they came to was condemned by the greater number and the greater authority of the witnesses whom they examined. For instance, the Commissioners recommended 50,000 Europeans for Bengal. Now, two-thirds of the witnesses examined before them, and men of the highest position, recommended an amount considerably below that point. Still more remarkably was it that the Commission recommended a force of 15,000 Europeans for Bombay. Now, not a single witness suggested such an amount, and General Griffiths, the most important witness on the point, only demanded a force of 7,000. Again, as to Madras, they recommended a force of 15,000 Europeans, though Earl Canning placed the amount at 10,000; and no single witness went beyond that except a civilian of the name of Thomas. He (Mr. Buxton) said, then, particularly that the recommendation made by the Commissioners was neither justified by any reasonings of their own, nor by the evidence placed before them. Why then, it might be asked, should they have recommended so vast an amount of force? Never was any phenomenon more easy of explanation. The Commission consisted of ten Generals and only one civilian; and he remembered, on a former occasion, quoting Napoleon's observation to his brother Joseph, that "there never was a General who did not cry out for a large army." The noble

Lord the Member for Lynn (Lord Stanley) was the only civilian on the commission; and if the noble Lord would get up in his place and say that he believed a force of 80,000 Europeans was necessary for the safety of the Indian Empire, why he (Mr. Buxton) acknowledged that that must have great weight with the House. But his conviction was, that the reason why the Commissioners recommended that force was simply that ten Generals were allowed to decide for the country what amount of army it should maintain, and that accordingly, without any reference to the general statesmanship of the question—without any regard to the broad and far-reaching interests of India and of England, they naturally made a professional recommendation of an army far beyond what really was needed. Was there any human being who would doubt that under such circumstances an army would be maintained far beyond the real requirements of the country? Well, then, this having been the composition of the Commission, he maintained that the fact of their suggesting 80,000 men was almost in itself a demonstration that 80,000 men was far more than was really necessary. But what should they say when they found that an estimate which there was so much reason, *a priori*, to regard as extravagant, was itself actually now exceeded, and largely exceeded, by the force which the right hon. Gentleman now maintained in India? The Secretary of State for India was not content with raising the European force to that immense amount—he was maintaining 5,000 men beyond it, and was in the very act of sending out 4,000 men as a relief to the regiments now there, instead of bringing them home without supplying their place till that point was reached. Well, then, finding that neither the witnesses examined by the Commissioners, nor the Commissioners themselves, afforded any ground whatever for a judgment on this question, and entirely denying the wisdom of allowing ten Generals to decide for a country what amount of army it ought to maintain, they were driven to examine for themselves into the point; and he could truly say that he had spared no pains and research and thought to arrive at an answer to this question, whether so great a force was really necessary for the security and maintenance of our Indian empire. And here he would put to the Secretary of State, in the most definite way he could, a ques-

tion, which he ventured to address to him three years ago in making a Motion with reference to the reduction of the Native force, but to which he could not at that time elicit any reply. He trusted that on this occasion he would do him the honour to give as definite an answer as the case admitted of. What he wanted to know was, against what enemy this force was provided? In the answer to that lay the gist of the whole matter. Happily India was one of those countries which need not at present entertain the smallest apprehension of invasion from without. The miserable fear that Russia would have the madness to march across Asia, and would seriously endanger our Indian possessions—that cowardly fear had passed away. He believed it never was entertained by more than a very few individuals, and even they, after the incidents of the Crimean war, must come to perceive that a wilder enterprise, or one whose failure could be more inevitable, could not be conceived; besides which, if Russia did make such an attempt, we could send troops to oppose her with infinitely more rapidity than she could march them thither over land. No one dreamt that Persia, or any of our other neighbours, would attempt to assail us, or at any rate would attempt it in such strength as to require us to be for ever keeping up so vast a force to guard against such a contingency. Again, should war unhappily arise between England and any other country, we could then, if necessary, send troops to India in time to protect that country against any assaults from them. In short, they might entirely dismiss the idea that this army of 85,000 Europeans and 130,000 Natives, in all 215,000, was intended for the protection of India against a foreign foe. The only object of it was to preserve order, to prevent any uprising against our own rule. Now, let the House seriously examine whether so great a force was necessary for that purpose. They must remember that for 100 years our empire in India was not only maintained, but was constantly pushed further and further by an army the European portion of which never, he believed, numbered 50,000 men, and was often much below that mark. We had infinitely less cause now than we had formerly to apprehend war with the particular rulers within the boundaries of India, who formerly were our dangerous neighbours, but who had since either become our peaceable subjects, or who

*Mr. Buxton*

had disappeared altogether. Yet we had now nearly twice the number of European soldiers that we used to keep in those days. No doubt some apprehension might be felt as to some of the warlike nations on our north-west frontier. In that part a large European force—25,000 or 30,000 men, must always be maintained. But as to all the rest of India, and above all the experiences since the mutiny demonstrated that nothing more serious than a local riot need be feared from the unarmed Native population. In short, the only enemy whom we need really fear, the only enemy who could seriously threaten the Indian empire, was the Sepoy force, armed and trained by ourselves. But now it was a most important fact that this Sepoy force had in the last two years been reduced by no less than 220,000 men. It now stood at only 130,000, including a large body of military police, from whom no danger could arise, owing to the absence of regimental organization among them. It was considered, he might add, by most Indian statesmen that it would be quite safe to have three or four Sepoys to one European soldier. The Commission, however, had placed the proportion at five Natives to two Europeans; but at that rate 130,000 Native troops would only require about 52,000 European troops to keep them in check. The result, then, of a minute examination of the subject showed that we had far less need than formerly to apprehend attack. And not only was the strength of our only possible enemy so greatly reduced, but we should also remember that in other respects our power of suppressing insurrection had been greatly increased since the mutiny of 1857. Taught by that lesson, we no longer intrusted to Native hands our forts and our arsenals, without the possession of which no mutiny or rebellion could stand for a week. The artillery force had been greatly augmented, and amounted last March to 11,760 Europeans, a portion of the army which he, for one, had no wish to reduce. The troops throughout were supplied with the Enfield rifle, with which no weapon that any rebels could obtain could compete for a moment. At the same time, the immense extension of railways and telegraphs would enable the Government to concentrate our troops upon any point where alarm arose, with a rapidity unknown before; so that nothing but the most scandalous folly and neglect on the part of the authorities could prevent us,

even with a force of one-third of that now maintained, from instantly bringing to bear, at any threatened point, an overwhelming force of Europeans that could drive any rebel force to the winds. And let them remember the experience given by the mutiny, and indeed by the whole history of our Indian Empire with regard to the impossibility of any of the Natives of that country resisting our arms in whatever numbers they might contend with us. When they remembered the prodigious exploits performed during that mutiny, when they remembered how in many cases the rebels, though armed by ourselves, though equipped by ourselves, though trained to warfare by ourselves, yet were invariably overthrown by a force, in many cases not one-tenth, in some cases not one-twentieth of their own amount—remembering all that, he thought it was not prudence but timidity to keep up an army so largely in excess of any Native force that could possibly take arms against us. Now, were he asked how much he would suggest that the European force might be reduced, he should reply that he only presumed to call the attention of the Government to the facts he had referred to, but could not venture to express an opinion upon that point. He would only say that he confidently expected some day to see an expenditure of only £10,000,000 instead of £13,000,000 per annum on the army of India. He would now show how disastrous was the maintenance of so vast a force, both to India and ultimately also to England. The cost of our army, both European and Native, amounted, according to Mr. Laing last year, to no less than £12,800,000—a much larger amount than was, not many years ago, thought necessary for the defence of England herself, with all her colonies, notwithstanding the proximity of her mighty rival across the Channel, and notwithstanding the enormous claims upon her strength arising in every quarter of the globe. The effect of this extravagant outlay upon the finances of India was most disastrous. There might, perhaps, be some justification for it, if the treasury of India were overflowing; but they had to remember that in the last twenty years the national debt of India had increased by fifty millions; that in scarcely one of those years had they escaped a deficit; that in the three years ending with 1860 the deficit amounted to £36,000,000 (taking the three years together); while, to use Mr. Laing's words,

"all the efforts of the Government, aided by the imposition of new taxes which convulsed Indian society, had still left them in 1861 with an apparently hopeless deficit estimated at six millions." It was true that, according to Mr. Laing's budget, it had been expected that this year at any rate we should at length have arrived at a surplus ; but they were now informed by the Secretary of State for India, the surplus proved to be a deficit, estimated at no less than a million. Now, he was sure that no one worthy of the name of statesman could look upon such a state of things, in which the income of the country was regularly and to a very great extent exceeded by its expenditure, without alarm ; and the result was that we were in every possible way pressing upon the impoverished inhabitants of India to endeavour to squeeze from them more money ; and no less than £5,000,000, according to Mr. Laing himself, was raised now by taxes recently imposed. This was a most important point to observe, that in the last few years they had added taxes that drew no less than £5,000,000 out of the pockets of the Indian people. These new taxes mainly consisted of the income tax, which had been found to be doing an incredible amount of harm in the country ; and again of the enhanced duties on salt, on stamps, and on customs. Now, every one who was acquainted with Indian matters was aware of the immense evil it was to the people of India to have any salt tax at all, insomuch as one could hardly conceive how, under British rule—professedly and intentionally a benevolent one—a tax that cut so deeply into the daily comfort of the people could be maintained ; much less could one have expected that it would in the last year or two have been largely enhanced. They all knew that to a people living, as the Natives of India mainly did, upon rice, salt was one of the very first essentials to health, and strength, and happiness ; the want of it inevitably created serious indigestion, and all the multitude of diseases which indigestion was liable to cause ; and the consequence was that the people of India had a sort of craving for salt, of which people in England were almost unable to form any conception. There could be no question whatever that if the people of India could obtain salt at a much lower price than they now did, the health and strength of the people would be largely augmented ; and yet upon this vital necessary of life, vital as bread itself to them,

*Mr. Buxton*

we raised last year three-and-a-half millions sterling, the tax being no less in Bengal than eight guineas per ton ; and Colonel Cotton had shown that the result was, that whereas the people required at the very least about 20lbs. weight per head, they in reality only obtained, upon an average, 7lbs. weight per head. In fact, he gave reason for believing that a large proportion of the population did not get a tenth part of the salt really necessary not for their comfort alone, but for their health ; and that while in England it was not anything like so great a necessary of life as it was in India, the lowest price in India for salt was thirty-five times what it was in England, and the people, of course, would be far less able even to pay the same price as that which people paid here. But again he saw that Mr. Laing proposed, and he believed that the Secretary of State for India had agreed to lower the customs duties from 10 to 5 per cent. This would be an immense boon, not only to India, but to England. Even 5 per cent, however, upon her cotton goods placed England at a serious disadvantage, because this was a customs duty upon an article manufactured in the country without any excise to correspond with it in the interior of the land ; and it was obvious at once that a duty, even a duty of 5 per cent, must operate in such a case as a direct protective duty to the Native manufacturer, and must have all the injurious effects which a protective tax could never fail to engender. In this case they had this strongest possible reason for a still further reduction if possible, that now the people in the manufacturing districts were in such deep distress—to which he feared there was no reason to hope a speedy termination—and that if they could extend the market for their cotton goods in India, it would be an invaluable boon to those suffering people and to the whole of this country, while of course it would create a reciprocal traffic in the productions of India itself with England. He would not detain the House by dwelling upon the great evils that followed from the other taxes, all of which might be diminished, some of which might be repealed, if they could but make a considerable reduction in our military expenditure. But it was not merely in the pernicious influence of the taxes which it involved that this military expenditure did such infinite harm. It stayed the hand of the Government in conducting those improvements in the country

from which such mighty results might be expected. It not only wasted so great an amount of our present wealth, but its most serious effect was in hindering us from opening up those vast sources of wealth by which one might else believe that our Indian revenue would, in the course of a few years, be doubled or possibly trebled. There was one other of the many evils arising from the maintenance of so great a force, to which he could not forbear calling the attention of the House, and that was the frightful amount of loss of life and of health which was inevitable in such a body of European troops quartered in that country. He did not believe it was at all generally known in England how fearful the mortality was amongst the English soldiers stationed in India. As one of the witnesses stated to the Commission, "The sacrifices in men and money caused by the climate are astounding ;" and again, "The medical statements would almost stagger belief." In fact, the statistics laid before the Commission showed that out of a force of 80,000 Europeans, nearly 6,000 would perish every year ; while the permanent loss of health to thousands upon thousands more was not less painful to reflect upon. He would not, however, go so fully as he was tempted to do into the unbounded mischief inevitably engendered by the maintenance of so vast a European army. To sum up briefly, he thought the Government ought not to submit their judgment to the *ipse dixit*—based neither on evidence nor on reason—of the Commission to which he referred. If they examined for themselves what enemy they had to provide against, they would perceive that there was but one enemy from whom peril could really arise—namely, the Sepoy force—and that had been immensely reduced, at the same time that our military position had been greatly improved. Consequently the time had come when we might effect a reduction of our European force, which, besides causing a fearful waste of life amongst those European troops themselves, cut deep, by its expense, into the prosperity of India, without in the slightest degree endangering our Indian empire. If that course were adopted, the prosperity of India would, he believed, be greatly enhanced, and the 130,000,000 of people under the rule of England would find their daily comfort greatly increased.

MR. VANSITTART said, that as he had taken no part in the discussions which

had occurred this Session regarding the precise number of European troops to be maintained in India, he hoped the House would allow him to offer a few observations on this occasion. In doing so he could not help expressing the feeling of alarm with which he regarded the course which was being pursued by the hon. Member for Maidstone (Mr. Buxton) and his hon. and gallant Friend the Member for Aberdeen (Colonel Sykes) to effect a reduction of the European force in India. For his own part, he frankly confessed that he was not one of those who were carried away by the wild and utopian notion that India could be governed and held without a strong European force. On the contrary, it appeared to him that those who entertained that opinion were not sufficiently mindful of the circumstances of India and its past history, and that their amiable but mistaken views were calculated to provoke another rebellion similar to that which occurred in 1857. Looking to the enormous extent of our Indian territories, over which were scattered so many unprotected stations, occupied by mere handfuls of our countrymen, their wives and their children, and to the warlike character of the inhabitants of Oude and the Punjab ; looking to the fact that the Artillery in future was to be composed wholly of Europeans, and the arsenals to be manned by them ; looking, again, to the, comparatively speaking, large Sepoy army we were obliged to keep in our pay, and to the vast levies of Native police, which required to be controlled more or less by Europeans ; and, lastly, to the unfinished state of the railways, it seemed to him, he confessed, a somewhat hazardous proceeding to reduce the European force at the present moment. It should not be forgotten that the mutiny which occurred in 1857 was in no small degree attributable to the Government of that day diminishing the number of European troops, contrary to the earnest entreaties and remonstrances of those distinguished and deeply-lamented noblemen, the late Marquess of Dalhousie and Earl Canning. It appeared to him that the opinion of an individual Member of that House as to the proper amount of force to be maintained must necessarily be wholly speculative ; he could not possess the same accurate information as the Secretary for India and his Council, who were responsible for the safety of that country, and who probably arrived at their decision after a conference with the local Govern-

ment: The House knew, upon the authority of the right hon. Baronet, that in the summer of 1861 the Indian Government sent in an estimate for 92,000 men; that the military Members of the Home Council reported that a less number than 80,000 would not be sufficient; and that the right hon. Baronet, on his own responsibility, had cut down these two Estimates to 70,000 men. It seemed that the Native army was to be gradually reduced to 124,000 then. Assuming, therefore, 80,000, as proposed by the Council, to be the correct number, the proportion of two Europeans as against three Natives would be still unbalanced by 2,666 Europeans. Knowing full well the hate and the fanaticism of the Mohammedan population, and the impossibility of calculating for any length of time on the preservation of peace in a country so full of combustible materials as India, fringed by such savage and fiery tribes, as was now exemplified by the war raging on the north-eastern boundary, he had always maintained that the European force for all India should consist of not less than 80,000 men; and if we allowed the English army to be reduced as it was before the mutiny of 1857, and neglected the sacred duty of affording the same protection to our brethren out there as we did to those in England and in our colonies, we were unworthy to be intrusted any longer with the possession of India. Under these circumstances, without entering into the financial part of the question, which might be more conveniently reserved for the debate on Mr. Laing's budget, he would conclude by protesting against the dangerous policy of the hon. Members for Maidstone and Aberdeen—a policy which, if carried out, would, he believed, have the effect of not only imperilling the lives of those who were so earnestly and devotedly engaged in the discharge of their public duties, but compromising most unjustly the honour of Her Most Gracious Majesty, in whose name our magnificent Indian territories were now governed.

MR. KINNAIRD agreed with every word that had fallen from the hon. Gentleman who had just sat down; and with regard to the views of the hon. Member who introduced the subject, although he believed that his intention was good, and that his only wish was to economize the resources of India, he was inclined to think that the time had not arrived when they could with safety act contrary to

*Mr. Vansittart*

the experience of those who had studied the question, who had themselves lived in the country, who knew the Native character, and who were better acquainted than the hon. Gentleman could possibly be with the arguments and necessities for the employment of so large a force. The hon. Gentleman had drawn a beautiful picture of happy and peaceful India, but he appeared to have forgotten what had occurred within the last few months; and though he (Mr. Kinnaird) trusted that by an adherence to a conciliatory policy towards the Natives, to that policy which Lord Canning during the last years of his administration had carried out, they might look forward to a reduction in the European army, he thought that to force such a course upon the Government now would neither be wise nor economical in the end. Great and sudden reductions entailed, in moments of necessity, a very great cost in order to recover that which a wise expenditure would have maintained. It was true that in past years there had been great loss of life in the Indian army; but he believed that through the sanitary measures taken by the Government, with the assistance of the railroads, by which they were enabled to keep the troops in healthy districts, there would not in future be that fearful mortality of which his hon. Friend spoke. Looking, moreover, to the circumstances of our colonial possessions, and particularly to our relations with China, he did not think that it was any disadvantage to this country to have in India a body of acclimatised troops ready to perform any service that might be required of them. He believed that at present 80,000 men were necessary for the maintenance of our Indian Empire; and he trusted that the Secretary of State would not be induced by the temptation of adopting the more popular course of reduction, to abandon the line of conduct which had been recommended by the experience of so many great and able men.

LORD STANLEY said, that as a member of the Commission which sat four years ago to consider whether, and in what manner, the Royal and Company's armies in India should be amalgamated, he then expressed the opinion, which he did not now hesitate to repeat, that no great importance could be attached to vague general estimates of the number of troops which might be required some years hence, perhaps in totally different circumstances, for the defence of India. If there was one time at which it was especially difficult to

make such an estimate, it was during the height of the Indian insurrection, when almost every one was more or less excited, and when, more than at any other moment, it was difficult to obtain a dispassionate judgment. At the same time, he did not entirely agree with the statement of the hon. Member (Mr. Buxton), that India was now exposed to no serious danger either from within or from without. It was true that there was no power on the frontier of India at all equal to cope with the force which we could bring to bear; but semi-barbarous tribes did not always calculate the consequences of their actions, and we might at any moment have disturbances in Afghanistan, in Nepal, or in the territories of the Nizam, which, although they might not permanently endanger the security of our empire, might, if they were not immediately suppressed, occasion much mischief before they were put an end to. Then again, although all agreed as to the necessity of governing India, as far as possible, upon a conciliatory system, it was impossible to speak of a country containing 180,000,000 of population—a country which we had acquired by the sword, and which we governed, as Asiatic nations were governed in the main, by the sword—as if it were perfectly free from all danger of internal disturbance. We really knew very little of what was passing in the Native mind. If he gave an opinion, he should be inclined to say that for the present, after the exhibition of British power, and after the measures which had been taken to conciliate the Native chiefs, we were in a position of greater security than we had occupied for a long time past. At the same time, however, he knew that for years before the insurrection of 1857 the same feeling of security existed, and experience had shown how unfounded were the opinions then entertained. Allusion had been made to the pacific character of the people; that was undoubtedly true of Bengal, and might be true, perhaps, of the greater part of India; but there were particular districts which from time immemorial had been inhabited by races whose chief occupation and pleasure consisted in war. And therefore he protested against any general conclusion that because the country was now peaceable there was no longer any danger of serious disturbance. At the same time, a reduction of expenditure might fairly be looked forward to, when, by the completion of the telegraph between England and India, the military

reserve at home would be nearer by one half to the seat of operations, while the railways would enable a smaller force to act with greater efficiency. Something had been said about financial dangers; but although this was not a financial debate, he must observe that in the worst times of difficulty he had never desponded, and he certainly did not now despise of the future of Indian finance. Bearing in mind the extent of the population, and the very slight degree to which, comparatively speaking, the enormous natural resources of that country had hitherto been developed, it appeared to him that in future years India would not only be able to bear her present liabilities, but, twenty or twenty-five years hence, if no great wars intervened, she would be able to bear a much heavier burden than that which, he admitted, now taxed all her energies. The population directly subject to British sway, was more than four times that of the British islands; while if the native States, who contributed to the customs duties, were added, the number would amount up to 180,000,000—nearly six times the amount of the British population. The whole debt of India, excluding the advances to railroads, which were reproductive in their character, was about £100,000,000, or one-eighth of the British national debt, and the pressure which it inflicted upon the people per head was about 1-30th or 1-40th of that which was felt at home. It should be remembered that for the last fifty years India had been engaged in almost continual warfare; it was impossible to point to a period when a sufficient interval of peace was given for the full development of the resources of any one district. Even with the present amount of revenue the Indian debt did not amount to more than three year's income, while that of England amounted to twelve years' income. These figures showed, that whatever the present pressure of Indian finance, there was reasonable ground for supposing that a few years of prosperity would enable that country to bear much heavier burdens. Though he believed it might be possible in time to come to diminish the number of European troops in that empire, he should be sorry, either in that House or anywhere else, to lay down prospectively any fixed number as that which should be maintained. And against the saving by this probable diminution he was afraid the House must set the cost of various sanitary reforms which

had been strongly urged upon the attention of the Government. A return would, doubtless, be obtained for expenditure under these heads in a diminution of mortality, and in the increased efficiency of the force kept up ; but these were consequences which could only follow after the lapse of a certain time, and after the expenditure had all been incurred. Although on the score of humanity there might be a considerable gain, he did not think that for a considerable time to come the House could safely calculate on much reduction of expenditure, consequent on decreased mortality. He had for the last two years been sitting upon the Sanitary Commission of which Lord Herbert had been Chairman. He hoped that they would produce the result of their labours in a very short time : when they did so, the House would see that by proper means great reduction could be caused in the death-rate of Europeans employed in India ; but, as he had already said, this could only be done at an increased expense.

MR. TORRENS thought the question of army reduction in India might safely be left in the hands of the Executive. But he wished to obtain from the right hon. Gentleman the Secretary for India some explanation of the circumstances under which, during the years 1858 and 1861 inclusive, upwards of 400 young officers were sent to join the army in Bengal, though the greater number of the regiments they were to have commanded had mutinied ; the officers, moreover, who had remained after the defection of those troops being more than sufficient to command the remnant of the Native force. To Madras 88 young officers were sent during the same period, though a reduction of the Native force was contemplated ; and 120 others were despatched to Bombay. He could imagine nothing more miserable than the position of a European officer in India without any regular employment, and in his opinion it almost amounted to cruelty to send out young officers without there being duties on which to employ them. The Government had stated that 190,000 Minie rifles had been set apart for the army of India, which was a number far in excess of the European force there ; but he hoped to hear that none of these arms had been put into the hands of the Native soldiers.

MAJOR PARKER desired to call atten-

*Lord Stanley*

tion to the fact that a great many invalids were sent home from our army in India, very imperfectly provided for, after having served their country well in India. Many might be seen about the country asking assistance, and some showing evidence of good and faithful service. In some instances they had received one or two years' pay ; and they asked with good reason why they were turned adrift after ten or twelve years' service ? He referred to the case of John Orris, of the 75th, whose certificates of discharge stated that he had served in India five years, had been engaged in putting down the rebellion, and was discharged in consequence of being wounded at Delhi ; and yet he would receive only 8d. a day for a few months longer, though his character was certified to have been very good. Certainly, when India was increasing in wealth, something could be spared for those who had rendered such good service there.

SIR CHARLES WOOD said, the cases referred to by the hon. Member for Windsor had no connection with the subject before the House, nor, in point of fact, had they anything to do with the Indian army. Whatever these men, who were both in regiments of the line, might be entitled to was adjudicated to them by the Commissioners at Chelsea under the pension and gratuity regulations of the British army. The Indian finances contributed a certain gross sum in respect of these soldiers, but with the distribution of it the Indian Government had nothing to do. Consequently, these cases could not be brought forward as cases of grievance against the Indian Government. The hon. Member for Carrickfergus (Mr. Torrens) had asked him to state the number of young officers who had been sent out to India of late years. He could not at once give the numbers. It would be remembered that it was the practice of the Court of Directors and the Secretary of State to give nominations to young men who educated themselves for the purpose of going into the Indian service, and who took up their commissions after a certain interval. When he assumed office three years ago, he immediately put a stop to that system, and neither he nor any Member of his Council had since given a single appointment. At the same time, while putting an end to the practice altogether, he felt that he could not, without a breach of faith towards those young men to whom promises

of commissions had been previously given, take the extreme step of stopping their nominations. In any army there must be a constant succession of young officers, and he did not believe there would be any want of employment for the young men who had been sent out to India. He must further observe that he and the Members of the Council had voluntarily given up their right of appointing to commissions by nomination. He had to state, in reply to another question, that Enfield rifles had not been placed in the hands of the Native troops. With respect to the Indian revenue, it would be his duty before long to call attention to the financial state of India, and he thought it would be better to defer till that occasion any observations which he might have to make upon the financial part of the question introduced by the hon. Member for Maidstone (Mr. Buxton). Whatever might be the state of Indian finance, it would always be our duty not to maintain in India one single soldier more than was necessary. He would not repeat what had already been so well said on both sides of the House as to the absolute necessity of maintaining an adequate force in India. It was nonsense to suppose, that because everything now appeared to be quiet and smooth in India, no danger could possibly occur again. One week before the recent mutiny broke out there was no English resident in India who would not have said that such an event was impossible; and therefore to contend that there was no danger in India now, because there was no outward and visible sign of it, was arguing against all experience. We must always be on our guard. The real question, however, was, what might fairly be called an adequate force to be maintained in India with a view to the safety of our dominions and the preservation of peace? It had been said that there were no arguments to support their estimate of 80,000 men used in the Report of the Commission which sat on the Indian army. He could not understand by what arguments a matter of this kind was to be settled one way or the other. It was a question of opinion, and could be decided only by authority. He had a great respect for the hon. Member for Maidstone, and on many points would be glad to be guided by him; but he did not think the hon. Gentleman was more competent than others to say what was the precise force which ought to be maintained in India.

Upon such a subject he must defer to those persons who, with the best means of knowledge, had also the responsibility of governing the country. He never proposed to proceed upon the Report of the Commissioners, who were appointed for a different purpose, though he submitted that the opinion of eight or ten general officers, most of whom were acquainted with India, was one entitled to considerable weight. Recently published despatches contained the estimates which at different times within the last few years had been made by the best authorities in India. So recently as 1860 combined estimates of the Governments of India, of Madras and of Bombay made the gross aggregate of troops to be maintained in India 92,000. He thought this number excessive, and after communicating with the military Members of his Council, with Lord Clyde, and other officers whose opinions on such subjects were valuable, he wrote to India stating that he thought a smaller number would be sufficient, but, of course, leaving it to the authorities in that country to decide ultimately on the point. He was of opinion that the ultimate decision ought to lie with them, because they were on the spot, they knew the danger, and were responsible for the Government of India. He should be taking upon himself a responsibility from which he ventured to say the boldest man in that House would shrink if he discarded the opinion of the Indian Government on the important question of the number of troops to be maintained in India. Well, so late as last May the opinion of the Indian Government was that 73,000 was the number that ought to be maintained in India. His hon. Friend had spoken of the number of recruits that had been sent out. Every one acquainted with military arrangements in India knew that recruits were sent out at one period of the year only—in June and July. They arrived in September and October; and when they arrived, the number of troops in India must, in order to maintain the requisite number on the average of the year, be a certain percentage above that required for the year. The different authorities had now arrived at the conclusion that at least 71,000 troops must be maintained in India as the average number throughout the year. After the arrival of the recruits the total number ought to be about 5 per cent above the average. In December last year the total was only 74,419, which was not quite 5 per cent above the ave-

rage, which would have been 74,550. It was therefore an error to suppose that any extravagant number had been sent out. His hon. Friend said that the Government were going to send out 4,000 recruits this year. Certainly they were, and why was that? Because the Artillery was 2,000 below the minimum of that force which the Government of India had stated to be necessary. It was necessary to supply 2,000 men to the Artillery, besides making up the losses by casualties. Two years ago the Indian Government recommended that the Artillery should number 20,000. They had since reduced their demand to 13,000. He doubted whether they had not fixed it at too low a figure: for every one knew that it was important to have a large artillery force in India, but no more would be sent than were required to make up about 13,000. He quite agreed with his hon. Friend that it was desirable to keep the total military force in India down as low as possible; but he thought it would be a culpable neglect of duty if they kept the number a single man below the strength adequate to afford protection for the lives and properties of our European fellow-subjects in that country. He believed some of his hon. Friend's views were founded on a misapprehension, but he could assure him that the Government would not maintain in India more troops than were considered to be absolutely necessary to afford that protection to which he had just referred.

#### PERSECUTION OF THE JEWS AT SARATOW.—QUESTION.

SIR FRANCIS GOLDSMID: \* In rising, Mr. Speaker, pursuant to the notice which I have given, I think I ought in the first place to say in a few words why I seek to bring under the notice of the House a matter respecting which it can exercise no direct authority. That there are precedents enough for such a course it is hardly necessary to remark. To go no further back than the present Session, our attention has, and so far as I can judge with general approval, been directed to the Government of Italy, to the wrongs of Poland, to the threat of foul outrages which was uttered against the women of New Orleans. At the same time, no hon. Member can feel more strongly than I do that this practice of travelling beyond our own jurisdiction ought to be confined within

strict bounds. And, perhaps, it may be thought that the right limit between those cases where it may, and those where it may not be properly followed is this:—When there is no reasonable probability that any remarks made here will produce a useful result in the country to which they apply, then such remarks are a mere idle exertion. When, on the contrary, there is a fair chance that what is said here will work good in the country referred to, then the House will probably be inclined to give to these matters a small portion of its time. That there are cases falling within the latter description will not be disputed. In a late memorable instance we were reminded, in language of which I should try in vain to imitate the force and eloquence, but of which, I think, I can state the effect, that as between country and country moral support or influence is no mere shadow, but is a real power in Europe; and that it is an important sign of advancing civilization, that even as to things with respect to which there is no possibility that sword will clash against sword, the minds of men in one country act upon, and procure the recognition of great principles by the minds of men in another. I can assure the House that I am now addressing it from no vain wish to make my voice heard, but because it has been confidently stated to me by persons having an intimate knowledge of the condition of Russia, that so great is the respect felt by the governing classes there for the opinion of our country, that there is a real chance that an expression of sympathy in this assembly may exert a beneficial influence on the fate of the surviving victims of the persecution to which I desire to direct attention. I have to make one prefatory remark more, in order to remind hon. Members that the party which I hope no longer is, but which has been, predominant in the Russian Government, appears to have entertained the opinion that it could add to the strength of that empire by forcing the persons belonging to the various races and creeds that are to be found among its subjects into one homogeneous mass. For that purpose disfavour, often amounting to persecution, has been shown to all religious bodies not belonging to the established Greek Church, whether those bodies consisted of Protestants, or Catholics, or Jews. It is necessary to bear this in mind, in order to understand what would otherwise be unintelligible, the determination shown in part of the proceedings to which I have

*Sir Charles Wood*

to refer, to condemn the Jews under accusation, without evidence or against evidence. I proceed shortly to state the facts of the case, of which it is one remarkable feature that the Council of the Empire, more than seven years after the alleged offence, condemned the remaining prisoners, in opposition to the opinion of each of the tribunals by which the matter had previously been considered, and to that of the Ministry of Justice.

Saratow, as hon. Members may recollect, is a town on the western bank of the Wolga, and is the principal place of one of the remotest and most easterly provinces of European Russia. At Saratow, in December, 1852, and January, 1853, two Christian boys of the age of about ten years, named Sherstobitow and Maslow, whom, to avoid repeating Russian names, I will refer to as the first and second boy, were missed. Nothing could be ascertained respecting them, except that a lad named Kanin stated that he had been with the second boy, when he was enticed away by a person looking like a workman on the barges. In March, 1853, the body of the second boy, and in April that of the first, were found on the ice of the Wolga, almost without covering. From this circumstance it might have been inferred that they had been murdered by some person in want, for the sake of their clothing. But from certain appearances supposed to be connected with Jewish religious ceremonies, suspicion was directed against about forty Jewish soldiers, who seem to have been almost the only Jews at Saratow. These soldiers were paraded before Kanin, who fixed upon one named Schlifermann, not as being the man, but as being like the man, who had enticed away Maslow. And as this was treated as proof of identity, it may be worth while to read to the House what has been furnished to me as an exact translation of Kanin's statement—

"He is like the man who enticed away Maslow, only the other had a rough voice, as if he had a cold; and, besides, this one has not such a flat nose as he. Otherwise, he is like the other in stature and hair, but the other spoke good Russian, and this one has a lisp."

Now, this statement appears to me to be distinct evidence, not of identity, but of similarity coupled with non-identity. Yet, as I have said, it was treated as proof of identity; and this may be looked upon as a sample of the spirit in which the evidence generally was interpreted. Nothing, however,

that could be regarded as sufficient proof against the suspected persons could be discovered by the local authorities, and in the latter part of April, 1854, a Commission was sent from St. Petersburg to inquire into the affair. At this time Mr. Lanskoi was Minister of the Interior, and Mr. Skripitzine (who was known as having directed measures of persecution against some of the Christian sects of Poland) was at the head of the department of that Ministry known as the board of dissenting, or, as they are called in Russia, foreign religious bodies. Mr. Lanskoi, at the suggestion it is believed of Skripitzine, placed Mr. Durnovo at the head of the commission of inquiry. Durnovo, very soon after his arrival at Saratow, let it be understood that he believed the Jews to be guilty, and invited evidence against them. He threw into prison several persons, and among them a distiller named Jushkevitcher, who appears to have been almost the only Jew at Saratow above the rank of a common soldier. Durnovo's investigation lasted several months, during which he collected hundreds of sheets of extravagant and contradictory evidence, and displayed such a leaning against the Jews as to excite the disapprobation of Kovshernikow (then vice governor of the district of Saratow) and of the local authorities generally, both civil and military. The witnesses on whom Durnovo seems to have chiefly relied, were three persons who stated themselves to have been accomplices with the Jews in the mutilation, murder, and disposal of the bodies of the two boys—Bogdanow a soldier, Lokotkow a young imperial serf, and Krüger a subordinate civil functionary. In the course of the investigation each of these witnesses travelled through a whole series of self-contradictory statements which I cannot detain the House by particularizing but of which I will trouble it with a specimen or two. The principle witness, Bogdanow, began by charging as his accomplices two persons only, Jushkevitcher and another. Then he included in the charge a third and fourth, afterwards a fifth, and at last a sixth and seventh, one of whom was Schlifermann, the soldier who had been detained on the extraordinary evidence of identity to which I have already referred. As to the mode in which the death of the first boy had been caused, Bogdanow first stated that it was by loss of blood from a wound in the shoulder. A medical examination having

afterwards shown that there was no important wound, certainly none that could have occasioned death, he said that although he had been present at the time of the death, he did not know how it had been caused, as he had lost consciousness at the time, from horror, if I understand rightly, at the previous mutilation.

So many indeed are the tales of each of these witnesses, that the report of the Senate of Moscow, to which I shall in a few moments refer, speaks of them as having at last, as it is translated to me, "fixed" or "settled down" upon one statement. It must, not however, be understood from this, that all the witnesses at last "settled down" upon one statement; but only that one statement was at last "settled down" upon by each witness, the final statement of each being, however, in important particulars both inconsistent with the final statements of others, and full of the wildest absurdities. These I must not detain the House by enumerating; but some few I may, perhaps, be permitted to mention. Bogdanow's statement, as relied on in the final sentence of the Council of the Empire, declared that he had carried the bodies of both boys from Jushkevitcher's dwelling to the Wolga. Lokotkow's statement, as cited in the same sentence, was that he had killed the second boy, and carried his body from the corn-warehouse to the Wolga, thus differing from Bogdanow, both as to the person by whom, and the place from which, the body of the murdered child had been carried to the river. Krüger accounted for his having been present at the murder of the second boy by saying that he (Krüger) had intended at the time to become a Jew himself, having been told by the soldier Schliffermann, that if he did, he should be made a rabbi. A woman, Gorochow (whose evidence is also relied on by the Council of State as corroborative of the guilt of the accused), stated that she had been told by Jushkevitcher's wife that both boys had been killed by being pierced in various parts of their bodies with a knife of a peculiar shape (the medical evidence, it will be remembered, showing that there was no wound of any importance); and, further, that Juskevitcher and Schliffermann had received for the murders six millions of roubles (or nine hundred thousand pounds sterling). This mass of extravagant and contradictory evidence having been brought at the beginning of 1854 before the military authorities at Saratow, and before

a local board called the Department of Highways (which had jurisdiction in the matter), that board, in accordance with a report of two officers of rauk, dated 30th January, 1854, acquitted the accused, and declared the informers to be liars; and the military authorities seem to have sentenced Bogdanow to corporal punishment for perjury. This decision was not satisfactory to the Ministry of the Interior. On the 6th of June, 1854, Mr. Lanskoj issued a second commission of inquiry, at the head of which he placed Mr. Guirs. To what result it was intended that this second commission should lead was soon made manifest. Almost simultaneously with its appointment, Kovshernikow, the vice governor of Saratow, who had disapproved of Durnovo's proceedings, was dismissed, and Durnovo was appointed to succeed him. Several other officers, civil and military, who had ventured to doubt the guilt of the accused, were also dismissed or removed to other stations; and thus the field was left free for the operations of the new commissioner and of the ex-commissioner, now appointed vice governor. And vigorous enough these operations were. The stick, and it would seem other and worse instruments, were used as auxiliaries in interrogating many of the numerous victims who had by this time been thrown into confinement; and indications of the result are to be found in several entries in the appendix to the Senate's report, of persons having "disappeared" and "suddenly died" in prison, which I understand to be Russian euphemisms for being tortured to death, or driven by suffering to suicide. After a long delay, of which no explanation has been furnished to me, the mass of evidence collected by Durnovo and Guirs was brought in 1858 before the Senate of Moscow; and notwithstanding the stringency of the means employed in obtaining it, was not thought to furnish sufficient grounds for condemning the accused. The Senate, on the 8th of June, 1858, decided that the prisoners were liable to suspicion of murder, but that their guilt was not clearly proved. The Senate accordingly recommended that they should be set at liberty. Against this decision Count Panin, then Minister of Justice, protested, not because he was of opinion that the evidence warranted a conviction, but because he thought that it did not even warrant suspicion, and that the accused ought to have been fully acquitted. In consequence of the difference between

the views of the Senate and of the Minister, the question was again, after an unexplained delay, brought before the Council of the Empire. In March 1860, that council, not agreeing with the local tribunal which had acquitted the accused—nor with the Minister of Justice who thought that they ought to be acquitted—nor even with the Senate of Moscow, which had held that there was ground for suspicion, but not for conviction—proposed on the same evidence to decide that there was clear ground for their absolute condemnation. The draft of this proposed decision was communicated to Mr. Samiatnin, deputy of the Minister of Justice (an office which is, I believe, analogous to that of an Under Secretary of State). Mr. Samiatnin made a report, containing an elaborate examination of the evidence, in which he pointed out several of the contradictions and absurdities that I have mentioned, and a number of others with which I have not troubled the House, and he concluded that such evidence could properly lead to no other result than an acquittal. The Council of the Empire, however, persisted in its first intention, condemned the accused, and sentenced Jushkevitcher and Schliffferman, and a soldier named Jurlow (whom it treated as the three principal criminals) to loss of civil rights and hard labour in the mines of Siberia, in two cases for twenty, and in the third for eighteen years. It also sentenced others to minor penalties, whilst it suffered the perjured informers, who stated themselves to have been accomplices in the murders, to escape with almost nominal punishments.

I will not detain the House with any minute examination of the attempts at reasoning by which the Council of the Empire sought to refute the clear and convincing arguments of Mr. Samiatnin; but I can give two examples, which may be very briefly stated. The council treated, not indeed as one of the most convincing proofs, but as corroborative evidence against Jushkevitcher, a note which, after his arrest, he had written to his daughter, and in which he simply requested her to inform the Jewish congregation of his misfortune, in order that they might pray for deliverance from false accusations, adding—"Be firm, my dearest daughter, I beg this of you and your brother." To many persons this note may seem to have some touch of pathos; but I cannot perceive how any one could suppose that it was

more likely to have been written by a guilty than by an innocent man. Yet, as corroborative evidence of guilt was it treated by the Russian council. But, perhaps, the council's idea as to what might serve to corroborate the veracity of the accuser Bogdanow, is more singular still. Besides his various tales which I have already mentioned, this man at one time included in the charge of being one of his accomplices in the murders an army surgeon named Gubitski; but when last examined he admitted his accusation against the surgeon to be wholly unfounded. After referring to this, the decision of the council actually contends that "this circumstance very strongly brings to light the sincerity of the last statement." That is to say, in other words, that if a witness first makes, and then withdraws, a false charge against A., this circumstance does not weaken, but strengthens, the credibility of a charge which the same witness makes and persists in against B. Such is the logic of the Russian council. Whether the council was itself not quite satisfied with the arguments of which these are specimens, or for what other reason the execution of its sentence was delayed I do not know; but, in fact, it was not until May 1861, that the unhappy prisoners were despatched to the Siberian mines, where they are believed still to linger.

Since the decision of the Council of the Empire was pronounced, and in part since it was executed, changes have taken place in the Russian Government. Mr. Lanskoj is no longer Minister of the Interior. Count Bludow (who as Chancellor is considered to have been peculiarly responsible for the decision of the council, and one of whose last ministerial acts was, I lament to say, to appoint that very Mr. Guirs who presided over the second Saratow commission, to an important office peculiarly connected with the affairs of the Jews) is now travelling for the benefit of his health, and is not, I understand, likely to resume active employment. He has long served his country according to his own conscientious views; and as I certainly wish him no harm, I can only desire that his travels may be productive of as much benefit to himself, as I believe they will be to all, not being members of the Greek Church, who, if he had remained at home, would have been subject to his influence. But changes more important than those of a personal character have also taken place in the Russian Government. They have, as I

believe that the Jews of Russia are quite ready to acknowledge with gratitude, modified and somewhat humanized the laws that had till lately pressed upon and almost crushed that numerous class of the Emperor's subjects. But they have done nothing towards revising the unjust sentence of the Council of the Empire in the Saratow affair, or towards the relief of the sufferers.

Now, we are ready to make all due allowances for the difficulties besetting the Government of a country where society is half dissolved, and is seeking to reconstitute itself. Hon. Members may call to mind those two lines of the old Roman poet, where he refers to the pleasure which a man, looking from the shore on a tempestuous sea, derives from contrasting his own ease and security with the toils and perils of the storm-tossed mariner. It is with no such cold or selfish feeling that, from the harbour of long-established constitutional freedom and well-administered laws, we look upon the struggles of those nations that are still painfully striving to attain the same haven of safety. On the contrary, we warmly sympathize with their efforts, and we desire that they may as easily and speedily as possible secure to themselves the blessings which we enjoy. It is in accordance with this sympathy and with our consciousness of those difficulties, to bear in mind that the Russian Government cannot be expected at once to remedy all the evils resulting from past misrule. But I think that hon. Members who have favoured me with their attention will be of opinion, that no more important steps can be taken towards bestowing on the Russian people the inestimable advantage of confidence in the administration of justice, than by getting rid of three of the greatest abuses revealed to us in this Saratow affair. Difficult as it may be to free from the influence of religious prejudice the proceedings arising out of the criminal law, the public prosecutor at least should not set the example of yielding to such prejudice. The use of the stick and similar instruments as auxiliaries in the interrogation of prisoners should be at once and for ever abolished. And the practice should also be abolished of following accused persons from a court which acquits them, to a court which declares them liable to suspicion, and so on from tribunal to tribunal, till a condemnation (in the justice of which, under such circumstances, no reliance can be placed) is at length obtained. I think

we shall also be of opinion, that many as the claims must at this moment be upon the time and attention of the Imperial Government, it is still desirable that they should find leisure to reconsider the decision of the Council of the Empire, and to relieve the persons who are suffering under a sentence obtained by means of such procedure, and founded upon such evidence, as those which I have described.

It now only remains for me to thank the House for having listened to my statement, and to put to the noble Lord (Viscount Palmerston) a short and simple question. I am aware, that as the persons concerned are not British subjects, the British Government can have no right to make any official representation respecting them. But I wish to inquire, whether Her Majesty's Government is inclined to offer, with regard to the transactions I have referred to, any unofficial and friendly suggestions to the Government of his Imperial Majesty.

MR. BLAKE said, he trusted that the concluding request of the hon. Baronet would be complied with by Her Majesty's Government. They had interfered on behalf of Spaniards who, as was alleged, had been persecuted on religious grounds, though, in fact, political questions were mixed up in the matter; while, no doubt in the case of the Jews, the persons who had been ill-used had been persecuted from the senseless aversion of the Russians to the Hebrew people. He visited the Russian empire about ten years ago, and could testify to the existence of the persecuting spirit which had been referred to by the hon. Baronet. Upon the slightest pretence prosecutions were instituted against Jews, and he had seen many of them sent to Siberia on suspicion of having committed offences, some of which were of a very trifling character. On one occasion he saw fifty Jewish youths sent in chains to the Russian navy, because some people in the village in which they resided were suspected of having been engaged in some smuggling transactions. Great hopes had been entertained that on the accession of the present Emperor changes favourable to the Jews would be made, and he much regretted that those hopes had not been realized. He hoped that a remonstrance from Her Majesty's Government would produce some effect, or at any rate that the strong expression of the feeling of that House might have some effect.

*Sir Francis Goldsmid*

## SPIRIT LICENCES.—OBSERVATIONS.

MR. LAWSON said, he rose to call attention to the general dissatisfaction existing throughout the country regarding the Laws for licensing Houses for the sale of spirituous and fermented Liquors, and to the necessity for the immediate revision thereof; also to the expediency and justice of permitting the Inhabitants of any parish or place to decide whether the common sale of such liquors shall be carried on within the locality. The question on which he wished to address the House was one of considerable importance. It was generally felt that the existing licensing system required considerable alteration, and during the present Session an immense number of people had petitioned the House, stating the grievance under which they lay, and suggesting the remedies which they desired to see adopted. What he desired to do was to explain that grievance, and to point out the remedies referred to. The licensing system, in its present state, could hardly be defended by any one. Almost all the hon. Gentlemen who might be considered authorities in the House had spoken strongly against it, and their opinions would carry more weight than anything he could say. The right hon. Gentleman the Chancellor of the Exchequer said, two years ago, that his opinion was very unfavourable to the present system under which the drinking-houses were licensed and managed in this country, and he went on to say that the present system imposed upon magistrates duties which it was impossible for them to discharge. The Secretary of State said, alluding to the evidence given before the Committee in 1834, that a more efficient control ought to be given over the licences of both classes of houses, meaning public-houses and beer-houses. The Chairman of the Poor Law Board (Mr. Villiers), who was the Chairman of that Committee, said that the magistrates themselves admitted that they had no proper evidence to guide their opinion as to whether they should grant licences. Mr. W. Brown, who was at the time Member for South Lancashire, said that magistrates, magistrates' clerks, licensed victuallers, and brewers, were all demoralized by the licensing system. Thirty years ago, when the Beer Act was introduced, it was said that that measure would give working men good beer, and that it would take them from dens of infamy to places where they would enjoy

themselves. Well, he did not suppose that the history of legislation contained a more lamentable failure than the Beer Act. The Committee of 1834 described the evils of intoxication in the strongest language; they described drunkenness as the cause of the immense majority of the crimes committed in this country and one of the great causes of the misery of the poor, and they recommended the introduction by the Government of some general and comprehensive law for the suppression of the existing facilities for intemperance. That was in fact a recommendation of the Maine law in all its integrity. Still stronger evidence was given before a Committee of the House of Lords in 1850, but nothing was done. Then there was the Committee of 1853, presided over by the President of the Poor Law Board; but still no legislation took place. In 1860 the Chancellor of the Exchequer, not satisfied with the trial of free trade in beer established in 1830, suggested that an additional supply of wine would make people sober; the wine duties were reduced, and refreshment houses with wine licences were established; but he had not heard that the scheme of the right hon. Gentleman had done anything towards checking drunkenness. In fact, in the following year the quarter sessions in Lancashire presided over by the noble Lord the Member for Lynn (Lord Stanley), agreed to a petition stating that the greater portion of the offences punished at petty sessions were attributable to intoxication, and that the facility of obtaining licences to sell intoxicating liquors increased the immorality of the people. That position was carried by forty-six votes to one. In spite, however, of all the recommendations and petitions on the subject, nothing had been done to apply a remedy to this terrible disease. Seeing that the Legislature did not take any steps to prevent this great evil, a plan had been suggested which had taken a great hold on the public mind. It was to have a permissive law enabling any town or district, by a majority of two-thirds, to prevent the sale of intoxicating liquors. Now, he held two things, first, that the plan he had suggested of entirely prohibiting the sale of liquors in any district would be effectual; and, secondly, that it was just. With regard to the first point, they found that crime and pauperism and lunacy existed in any district almost in proportion to the facility of obtaining intoxicating liquors. But they had illustrations of

the opposite state of things. Mr. James Gray, chairman of the Edinburgh parochial board, said at the Town Council, on the 23rd of October, 1849—

"There are thirty-four parishes in Scotland without a public-house, and the effect upon the parishioners is that they have not a penny of poor rates in one of them."

He said that he once lived eight years in a parish where there was no public-house, and during all that period he never saw a person the worse for drink. There were no poor rates in the parish then; but now there were five public-houses and a poor rate of 1s. 8d. in the pound. Then the report of the General Assembly of the Church of Scotland by their committee for the suppression of intemperance, dated 31st May, 1849, stated that—

"The returns made to your Committee's inquiries clearly prove that the intemperance of any neighbourhood is clearly proportioned to the number of its spirit licences, so that where there are no public-houses nor any shops for selling spirits there ceases to be any intoxication."

He thought it was just because he could see no injustice in permitting the inhabitants of a parish to decide whether the common sale of liquors should be carried on within their several localities. A hundred years ago, he might add, great distress prevailed, and a law had been passed imposing a check upon distillation, the result being that, notwithstanding the dearness of provisions, the people were absolutely better off than in more prosperous periods. These facts clearly showed the advantages of a prohibitory policy. It might be said that such a law would be an inconvenience to many people. Why, of course, if it were not so, they would not want a law; but the inconvenience of a few ought not to be allowed to weigh against the wishes of the many. All the people asked, and all he asked for them, was the power to protect themselves from evils of the sale of intoxicating liquors. It might be said that this was a crotchet, but it was a crotchet shared in by 200,000 people. From Glasgow there had been a petition signed by 27,000 persons in its favour, and from Lancashire one signed by 20,000. The right hon. Gentleman the Secretary for the Home Department had, he believed, as good as promised that he would not allow another Session to pass away without taking some steps to alter the licensing system. He did not wish to suggest to the right hon. Gentleman what shape a measure for that purpose should

assume, but he thought it ought, at all events, to embody the principle for which he contended, which was supported by 200,000 people. He entreated the Home Secretary to consider during the recess whether he could not embody this principle in a Bill, to be introduced next Session, and he was convinced that by so doing the right hon. Baronet would promote the peace and prosperity and ensure the gratitude of thousands of his poorer fellow-countrymen.

MR. KER SEYMER said, he should be prepared to discuss the question more fully when the hon. Gentleman moved the second reading of the Permissive Bill. It had long been prepared. It had been accepted at public meetings; and if the feeling in favour of the measure was as strong as the hon. Gentleman represented, the House of Commons, unreformed though it was, would not be deaf to the voice of public opinion. The gentlemen out of doors who advocated the Maine Law were not satisfied with the position which they held. The organ of the Alliance attempted last week to mislead its readers. He observed a paragraph in it, headed "Mr. Lawson's Motion," in which Members of Parliament were urged to be in their places to support the Motion, and ladies, it said, would do noble service, too, by writing to M.P.'s. The gentleman were well versed in the arts of agitation, but, unfortunately, there was no Motion before the House. The hon. Member on Friday night—the *omnium gatherum* night—called attention to the licensing system. The words of the Motion were ingenious and mixed up very distinct things. It referred to the general dissatisfaction at the laws which regulated the sale of spirituous liquors. The dissatisfaction arose from the facts that the views of the Public-house Committee, of which he was a member, had not been adopted. Those views were very distinct from the views of the hon. Member. He still adhered to the opinion of that Committee. He was for free trade, as he understood it. He was for abolishing the present magisterial discretion, which the magistrates could not satisfactorily exercise. Under the present law, the beershop-keepers were kept in an inferior position, and that was the reason that the beershop system was a complete failure. The licensed victuallers, quite unconsciously, had often played the game of the Maine Law men. When a new man applied for a licence, they got up a memo-

*Mr. Lawson*

rial, and employed a solicitor to show the magistrates, that although 100 licensed houses were good for a district, 101 or 102 would be very injurious to the morals of the community. The advocates for the Maine Law might well say, if 101 are injurious, why not 100, or why not 99, and so on until it ended in complete prohibition. That was not his view. He did not care how many public-houses there were, provided they were well regulated and conducted by persons of good character. There had, no doubt, been many petitions in favour of a Permissive Bill; but an organized body, with funds at command, could get up petitions with ease, and once a petition signed by hundreds of thousands had been presented in favour of the Charter, but it did no good, and they heard very little about the Charter now. It was said that the meetings were unanimous. Persons did not care about opposing views advocated by worthy people from religious and laudable motives, and they did not like to put their heads into a hornets' nest; for if teetotalers abstained from strong liquors, they certainly made up for it by indulging in very strong language. He was glad to see that the hon. Gentleman was an exception. The speech of the hon. Gentleman on a recent occasion, at a public meeting over which he presided, was marked with great good taste, and he gave him credit for it, knowing how difficult it was in addressing a one-sided audience, who cheered everything that was said, to speak with moderation. They ought not to overlook the lessons of experience. Some years ago there was a strong agitation for closing the Post-office on Sundays. Meetings and petitions were unanimous; the Government of the day acceded to the proposal; but the inconvenience was found to be intolerable, and the regulation was at once rescinded. He was inclined to believe, that if people thought there was the slightest chance of the Maine Law passing, the meetings would not be so unanimous as they were at present. The hon. Gentleman said there was no injustice or tyranny in the majority acting for the minority. Unlikely as it was that in any district there would be a majority for the Maine Law, he contended that the majority had no right to dictate to the minority. The only country in which it had been tried upon a large scale was the Northern States of America, and they must draw a distinction between a demo-

cratic country and a free country. In a democratic country the majority ruled the minority with a rod of iron. In a free country the majority determined the general policy, but respected the rights of the minority; and nothing more excited the admiration of foreigners than the manner in which we avoided pushing matters to extremes. We might not be strict logicians, but we were excellent politicians. We tolerated anomalies, but we escaped revolutions. How absurd it would be to see a cosy town councillor, with his bins full of crusted port, voting that the poor labouring man should not go and buy a glass of beer. The poor man could not lay in a store; he must depend upon getting his beer as he wanted it: and to prohibit him from getting it in the only way open to him would be an act of tyranny and the grossest class legislation. Supposing there was any chance of such an enactment, the most formidable agitation would be the result. The publicans had shown themselves strong enough already to maintain an exceptional position, for they were the only protected trade in the country. The beershop-keepers would, for the first time, unite with them; the apple growers, the barley growers, the maltsters, the brewers; and not only the drunkards, who were few, but the great mass of the temperate men, would be against such a Bill. The case was not so extreme as to justify such legislation. The Maine Law men thought that a person who drank a glass of beer was on the high road to drunkenness. Alcohol in every shape they called poison, although it must be very slow poison. The great majority of men who drank beer, wine, or spirits, were temperate. The teetotalers were possessed with a kind of *odium theologicum*. He believed that they hated temperate men more than drunkards, because they knew a drunkard might take the pledge, and be very wise in doing so, but temperate men never would. The hon. Member in his notice had used the word "inhabitants," whereas the Maine Liquor Bill said "rate-payers." But this was more than a rate-payers' question, and therefore he liked the word in the notice much better than that in the Bill. Nothing less than universal suffrage would do upon such a question. Manhood suffrage would not be enough, because you had no right to say to a young man of twenty, "You shall not drink a glass of beer." To show the tyrannical spirit of the Bill, he would read the mar-

ginal note of the clause—"Drunkard compellable to declare the place where the liquor was obtained." The result was, that if a man were found drunk in the street, he might be taken charge of by the police, and when sober might be called upon to swear where he got drunk; and if he declined, he was to be confined during the pleasure of the magistrates. It was said that there was a precedent for such legislation in the Gaming-house Act. How this might be he did not know; but if so, it showed how careful Parliament should be not to adopt exceptional legislation even to accomplish a good object. Instead of agitating for an Act of Parliament, the advocates of the new law should confine themselves to the legitimate means which were at their disposal. They had the pulpit, the platform, and the press. Let them use these to inculcate temperance. In such a work he wished them God speed, for he was a sincere opponent of drunkenness; but let them not attempt by legislation to deprive the labouring man of the power to buy a glass of beer.

MR. WHALLEY said, the proposal advocated by the hon. Member for Carlisle (Mr. Lawson) was to modify the system of licensing the sale of liquors, which had been in existence for a long period, and the hon. Gentleman (Mr. Ker Seymer) himself admitted that it might be improved. But the hon. Gentleman, with his great influence and ability, had been trifling with the subject. There could be no doubt that one of the greatest evils of the day was the facility afforded for obtaining intoxicating drinks by the humbler classes of society. It was the cause of nearly all the misery which existed in this country. He was willing that the decision of the question should be left to the drunkards themselves, being assured that in their sober moments they would vote in favour of any measure which would prevent them from doing that which destroyed their character, and deprived their families of comfort, and who, he believed, would earnestly desire to be relieved from the temptations of the beer and liquor shops.

SIR GEORGE GREY: Sir, as there is no Motion before the House, I should hardly have thought it necessary to trouble the House at all upon this question, if it were not that I might be supposed to be wanting in respect to my hon. Friend and to those of whose opinions he is the exponent. To a certain degree I entirely sympathise with them in the premisses

which they lay down, and upon which they found the remedy they propose, but which I believe to be a mistaken one. I agree with them that the abuse of intoxicating liquors is productive of infinite mischief; that it is the parent of many other crimes; and that to diminish these crimes would be to confer the greatest benefit upon the country, and especially upon the working classes. I agree also in thinking that there are great defects in the licensing system, and I very much concur in the recommendations of the Committee which was presided over by my right hon. Friend (Mr. Villiers), and which suggested very material changes in that system. There are great difficulties in dealing with that question, owing to the extensive interests engaged in the trade; but I am quite willing to admit that it is a subject which deserves consideration, and I shall be glad if at some future time, I am able to bring forward a measure for improving the licensing system. I cannot, however, hold out to my hon. Friend any hope that such a measure would embody the opinions entertained by those who are anxious to see the Maine Liquor Law established in this country. It would be entirely useless to make such an attempt. You cannot legislate effectually in opposition to the feelings and habits of a great majority of the people, and unless the law harmonizes with the settled opinions and habits of the people you cannot enforce it. It is said that the majority ought to control the minority. In many cases that is perfectly true. For instance, some years ago, as the House is aware, an Act was passed which left it optional with the parishes to establish public baths and washhouses; and where this is done, however strenuous may be the opposition of the minority, they are bound to contribute by the payment of rates towards the maintenance of those places. That is all the hardship; but the proposal of my hon. Friend is a totally different one. He would not merely impose upon the minority the payment of a rate, but would force them to change their habits of life, and to abstain from doing what no one can say is an unlawful act—from using beverages which are no doubt injurious when taken to excess, but which, taken in moderation, are wholesome and invigorating. For the majority to use such compulsion as this would be an act of tyranny, and far exceeds any fair application of the principle that the minority should yield to the will of the majority. I

*Mr. Ker Seymer*

have not had the advantage of seeing in print the Bill which is supposed to embody the principles of the law advocated by my hon. Friend, but I have not been able to satisfy myself that those principles should be sanctioned in this country; and if they were embodied in an Act of Parliament, I do not believe they could be practically enforced. Even in America I believe that drunkenness exists to a great degree, and that by prohibiting legitimate means of purchasing drink you only drive people to illicit means of obtaining it, and perhaps, thereby lead them to indulge in it to a greater extent than they would have done if the sale of these liquors had been placed under proper and reasonable restrictions.

#### THE SEAT OF GOVERNMENT IN INDIA.

##### OBSERVATIONS.

MR. GRANT DUFF rose to call the attention of the House to the expediency of transferring the seat of Government in India to some place more eligible than Calcutta. When they had so recently laid that great man, Lord Canning, in the grave, he thought it was not inopportune to ask Her Majesty's Government whether it was not possible to make arrangements for carrying on the central administration of India in some spot which would induce a smaller sacrifice of European life. If the death of Lord Canning had been an isolated event, no argument could have been drawn from it, but it was by no means an isolated event. He would refer the House to a letter which appeared a few days since in the leading journal, signed "Mountaineer," in which it was said, "Wilson, Ritchie, and Lord Canning are dead; Mr. Laing is ill; Mr. Beadon has been indisposed; Colonel Baird Smith is dead, Lady Canning is dead, Lady Wells is dead, Lord and Lady Dalhousie are dead." It was not surprising that Calcutta should be unhealthy, standing as it did upon a delta, with salt water on one side and a lake upon the other, raised but a little above the level of the sea, with a supply of water which, if copious, was far from wholesome. All deltas were unhealthy, and the only great city so situated besides Calcutta was the notoriously unhealthy city of New Orleans. Sir R. Martin spoke of Calcutta as enjoying three seasons—the hot season, during which all new arrivals suffered; the cold season, in which all old Indians suffered; and the wet season, in which everybody suffered. It was true that it might

be said that Calcutta had risen from a small village into a great city, with a trade of £20,000,000 annually, and that until recently we had lost no Governor General in India, except Lord Cornwallis, who was an old man and infirm in health when he arrived. As to the first argument, it might be replied, that according to the opinion of many old Indians, whether from a change of habits among the residents, or from the extension of the city, Calcutta was becoming more and more unhealthy. With respect to the second argument, he might be reminded that we should be in future sending out a greater number of men of mature age to carry out the working of our new institutions in India. It was also said that it was important that the seat of Government should be within easy reach of reinforcements from this country; but they were told that next year the Government subsidy to the Peninsular and Oriental Company would cease, and that Company's steamers would also cease to run to Calcutta. Mr. Marshman, the great advocate of Calcutta, had given several reasons why that city should be continued as the seat of Government, but none of them appeared to be unanswerable. The removal of the records, which was put forth as a difficulty, was merely a matter of detail. But it was said that it would be impossible to remove the Financial Secretary, the Treasury, and the Mint from Calcutta; but he could not perceive the impossibility, especially as he believed there was also a mint at Bombay. It might be that in removing the seat of Government from Calcutta private interests might suffer; but even if that were the case, it could not be set against a strong public necessity. It was said that it would be expensive to erect new public buildings in the new seat of Government, and to throw away the money that had been expended in Calcutta; but he was informed that most of the Government buildings in Calcutta were merely rented. The time might come before long when we should be so committed to the chance capital of Calcutta that we must accept it as an accomplished fact; but he did not think that that period had yet arrived. No doubt Calcutta would always remain, not only a great commercial centre, but a great military post which must be held strongly with a view to the preservation of our Indian Empire; but that was no sufficient reason why it should continue to be the seat of Government. The Commander-in-Chief was generally at

Simlah, Calcutta being about the last place which he thought of entering. But if Calcutta were no longer to be the capital, what other place should be chosen in its stead? To Agra, Simlah, and Mussoorie there were strong objections. Bombay, too, though healthier than Calcutta, had not such a decided advantage in that respect as to justify its selection as the new capital. There remained, however, Poonah, one of the most salubrious of our military stations in all India. It had a great historic name as the seat of power of the Peishwah, once the head of the Mahratta Confederacy. It was only eighty miles from Bombay, and was not likely to be cut off, even temporarily, from communication with the sea, which must ever be the true basis of our power in India. These and other advantages induced him to think Poonah entitled to the preference. He did not, however, pretend to speak dogmatically on that point, nor even to assert absolutely that they ought to leave Calcutta. But he hoped, that if that capital were to be retained, good reasons would be shown for doing so. He trusted also that at least the Council would no longer be obliged to remain in Calcutta, but would be permitted, as contemplated by the Act of last Session, to move from time to time, so that the most valuable European lives need not necessarily be exposed to the unhealthiness of that capital during the worst part of the wet season.

MR. GREGSON said, that having resided for some years in Calcutta, he could speak from personal experience of its climate, which he thought had been represented as worse than it really was. He fully shared the feeling of universal regret excited by the untimely deaths of the last two Governor Generals, which the hon. Gentleman had instanced as proving the deleterious effects of the climate; but he (Mr. Gregson) believed they were only isolated cases. Lord Dalhousie had suffered from a constitutional complaint, and had worked very hard—perhaps too hard—in this country before proceeding to India. Lord Canning, he understood, was perfectly well when he arrived at Marseilles on his way home; but he caught a very severe cold, and having undergone immense anxiety and some exhaustion in India, his system was unable to resist the attack. The deaths of these distinguished persons were therefore rather due to the wear and tear of mind, occasioned by the labours and responsibilities of office, than to the

climate. As to the letter in *The Times* from "Mountaineer," he knew from private information that its author had never resided at Calcutta, but spoke of it in entire personal ignorance. There was as good water at Calcutta as could be found in all the world. The hon. Member had referred to the evidence of Sir R. Martin, who had lived as a physician for years in Calcutta. He did not know a healthier man than Sir R. Martin himself, who certainly spoke of the comparative healthiness of the capital at different seasons of the year. It was impossible to transfer the whole system of the Indian Government to the Upper Provinces. Allusion had been made to the evidence of Mr. Marshman, who had been so many years in India. He stated, that if the seat of Government were removed for the sake of health, it must be removed to the hills; but if they were to remove all the officers, Government would collapse. Besides, there were diseases in the hills which would render it unadvisable for the Government to reside there all the year round. Lady Canning died of the hill fever, coming from the hills. The Governor General ought not to be in the hills, secluded from all society. As a proof that the climate at the seat of Government in India was not so bad as had been represented, he could name several Governors General who had lived many years after their return to this country. Warren Hastings, Lord Cornwallis, Lord Teignmouth, Lord Wellesley, the Marquis of Hastings, Lord William Bentinck, all lived many years—Lord Teignmouth 38, Lord Wellesley 37 years—after they left India; and there was Lord Ellenborough, who was still living, and he was happy to say looked extremely well, when he saw him in the House of Lords the other evening. The Secretary of State for India had now in his Council five men who had been in India more than thirty years. Sir James Hogg, formerly a Member of that House, had been thirty-three years in Calcutta; Mr. Elliot Macnaghten, Mr. Ross Mangles, Sir Frederick Currie, all twenty-five to thirty years at Calcutta. Then there were Governors of Bengal—Mr. Wilberforce Bird, who was thirty years at Calcutta, and died at seventy-two; Sir Frederick Halliday, thirty years at Calcutta, and who was more like a farmer than a man who had been long in India. The late Governor of Bengal, Sir Frederick Currie, was still in perfect health. Then there were the

Indian judges—Sir Edward Ryan, Sir Lawrence Peel, Sir James Colville, Sir Arthur Buller, who had been all ten years in Calcutta to entitle them to their pensions. The hon. Member then read a letter from a gentleman who must have been ten years in Calcutta, and who gave it as his opinion that Calcutta was on the average just as healthy as any other part of India. He described the Government House at Barrackpore, the grounds extending over 260 acres, and the drives as most attractive and beautiful. He could also from experience speak of the climate of Calcutta as salubrious, and he did not think it was at all desirable that any change should be made in the seat of Government.

MR. ADAM said, he was glad that this subject had been brought forward, though it was not likely to be attended with any immediate practical result. No one would deny, that if we had just obtained possession of India, Calcutta was the last place that would have been selected for the capital. It was the most distant point of the empire and the most difficult of access; and although the hon. Member for Lancaster (Mr. Gregson) had given so glowing an account of its salubrity that any one would be led to believe that it was the healthiest place in the world, and that hon. Members who were suffering from the labours of the Session could not do better than hasten to Calcutta to seek the restoration of their health, he could hardly admit the truth of the picture. He admitted that the question of the seat of Government must be decided, not on considerations of health alone, but also by reasons of policy; and he thought that the question of distance alone was sufficient to settle the question against Calcutta. In his opinion, no better place could be chosen than Poonah, the climate of which, although like that of all other parts of India, uncomfortably hot during the summer, was during the cold weather and the rains most charming. He did not wish to press the Government for any immediate decision upon this subject, but he hoped that they would take it into their most serious consideration.

MR. T. G. BARING said, that all must regret the risk to which our officials were exposed by service in India in consequence of the unhealthiness of the climate; but this risk was not confined to Calcutta, which was not the most peculiarly unhealthy part of our Indian Empire. Al-

though we had recently lost Lord Canning and Mr. Wilson, we had also been deprived of the services of Lord Elphinstone, the Governor of Bombay, Sir Henry Ward, the Governor of Madras, Colonel Baird Smith, who had spent most of his time in the North West Provinces, and Generals Anson and Barnard, who had both lived in the most healthy parts of India. The question of the removal of the capital of a great empire could only be decided upon grave and serious considerations; and, as it appeared to him, the hon. Gentleman who had introduced this subject had not come to any conclusion in his own mind either as to the policy of removing the capital, or as to the place to which it should be removed. He had himself decided against both the Hills and Bombay; and although he appeared rather to favour Poonah, yet the arguments which he had advanced against Bombay would apply equally to Poonah. Governors General of India would, of course, upon sanitary considerations, be inclined to select for the seat of Government the healthiest spot in the empire, and yet the last four Governors General had all given their opinions against the removal of the capital from Calcutta. Lord Ellenborough and Lord Hardinge were both examined before the Committee of 1853, when Lord Hardinge said—

"I should not advise a change of the seat of Government from Calcutta. With the prospect of having railways and electric telegraphs, and also looking to the other great consideration, that the present seat of Government is not liable to be attacked, is close to the sea, ready to receive reinforcements, and far removed from those emergencies and crises which will occur in India, such as occurred on the North Western frontier when I was there, the further the Government is kept from these emergencies the better for the tranquillity of India."

Both the succeeding Governors General, Lord Dalhousie and Lord Canning, have expressed similar opinions. Under these circumstances he thought that the House would be of opinion that no sufficiently strong reasons had yet been advanced for making a change in the capital of India. The loss of Lord Canning might partly have been occasioned by the circumstances of the time having required that he should remain for a very long time continuously at the seat of Government at Calcutta. Such a necessity did not exist in ordinary periods, and it was hoped and anticipated that in future, in quiet times, the Governor General would be able to visit other parts of the empire, and make himself acquainted both with the country

and with those who were carrying on the Government in various parts of India. On the whole, he hoped that the House would be of opinion that it was not at present desirable to change the capital of our Indian empire.

#### PERSECUTION OF THE JEWS AT SARATOW.—REPLY.

VISCOUNT PALMERSTON: I have to apologize to my hon. Friend (Sir F. Goldsmid) for not having replied to his observations when he sat down; but I was waiting for another Question, from the hon. Member for Chichester (Mr. Freeland), which I now understand is, on account of the lateness of the hour, not to be put to me to-night. My hon. Friend drew the attention of the House to the case of two Jewish soldiers in the Russian service, who, according to his view, had been very unjustly punished for crimes of which they had not been guilty. I quite agree with the observation of my hon. Friend, that although it is not desirable that this House should, without some strong cause, offer opinions as to matters which pass in other countries, yet there are cases which fully justify such a course—cases like those which he has mentioned. As regards broad principles of government, by which large masses of men have their interests affected, it is easy to express an opinion; but when you come to scrutinize particular instances in which individuals have been brought before a judicial tribunal for an offence of which they were supposed to be guilty, and begin to discuss the value of the evidence and the justice of the sentence, this House, even in cases which occur in this country, feels a disinclination to pronounce a decision; because, whatever opinion we may entertain upon the general view of the matter, so much depends on the details of the evidence, which can only be judged accurately by the tribunal adjudicating upon the case, that it is exceedingly difficult for the House to be very satisfied that any opinion they may give will be right. With regard to this particular case, our Ambassador at St. Petersburg was instructed by my noble Friend to make inquiries, in order to ascertain the history of the case. Of course, he could only institute those inquiries with great delicacy and forbearance; and he was informed that these persons, whether rightly or not I do not pretend to

say, were subjected to the proper course of law in Russia, and condemned to the punishment which they afterwards underwent by competent legal authority. I do not stand up here to maintain that the legal arrangements of Russia, are not capable of improvement; I have no doubt that they are; but with regard to the treatment of Jews as a body, I am happy to say that the present Emperor has very much relaxed the severity to which they had been previously exposed; and I have no doubt that the enlightened mind of the Emperor of Russia—which appears to be directing itself to various improvements in his great and extensive empire—will, from being coupled with the goodness of his own disposition, lead him to go still further towards placing the Jews on a footing of equality with the other subjects of his realm.

Main Question put, and agreed to.

Supply considered in Committee.

Committee report Progress; to sit again on Monday next.

#### PIER AND HARBOUR ORDERS CONFIRMATION BILL—[BILL NO. 156.] COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. ELLICE (St. Andrew's) said, he wished to bring to the attention of the House the fact that a clause in the Piers and Harbours Act Amendment Bill, which had been defeated by a considerable majority, was re-introduced *totidem verbis* in this measure. That clause gave to the Commissioners of Woods and Forests the same power of interfering in relation to works connected with existing harbours as was properly enjoyed by the President of the Board of Trade. Communications had taken place between himself and the right hon. Member for Kilmarnock (Mr. Bouvierie), and the result was that the Government consented to withdraw this and another clause; but now a clause was introduced which would have the effect of directly reversing the decision of the House. This re-introduction of the clause seemed to him rather sharp practice; and if technical reasons had compelled the President of the Board of Trade to make the proposition anew, he ought to have called attention to the point on the second reading of the Bill, and not have exposed the

*Mr. T. G. Baring*

House to be taken by surprise. The clause had reference to Carrickfergus Harbour, and he doubted whether the people of Carrickfergus knew how far this clause affected their interests. As this clause stood, not a single stone could be put upon another for the improvement of the harbour until the consent of the Commissioners of Woods and Forests was obtained; and, from his experience of the Woods and Forests, he was persuaded the Commissioners would not consent to the improvement of any harbour without a money consideration. It was the duty of the House to protect the public from such a system of petty extortion, and he moved that the Bill should be committed that day six months.

**Amendment proposed,**

To leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee,"

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. KINNAIRD seconded the Amendment.

MR. MILNER GIBSON said, there was a general Act of Parliament which required that no provisional order should be made by the Board of Trade for the construction of a new harbour, or the improvement of an old one, without the consent of the Woods and Forests. It might be right or wrong that the Commissioners should have such a power, but, in making the provisional orders which the present Bill was intended to confirm, the Board of Trade had no option but to proceed according to the directions of the Act of Parliament. The House, in fact, might as well reject a private Bill because its promoters had complied with the Standing Orders as agree to the Amendment of his hon. Friend.

MR. FINLAY said, that if the Bill were extended to Scotland, it would injuriously affect the interests both of the public and the proprietors in that country.

MR. LIDDELL said, there was no analogy between a provisional order which was made by the Board of Trade, on an *ex parte* statement and a private Bill, and he hoped the House would at once repudiate any such doctrine.

MR. E. P. BOUVERIE hoped that this

Amendment would be withdrawn; but still he trusted that the House would support him, when the Bill reached the Committee, in an endeavour to put an end to these exactions on the part of the Woods and Forests. That Department had no right to tax the promoters of beneficial schemes in the manner they proposed to do. No one would dispute that a great portion of the shore was the property of the Crown. He would not now go into the question whether those shores which were the property of the Crown were held in trust for the public or to produce revenue. He did not believe that they were held for the latter purpose; but however that might be, a great many shores now belonged to private individuals, to whom the Crown had granted or sold them. He thought attempts like this on the part of the Woods and Forests were nothing less than extortion. The Woods and Forests were nothing more than the administration of the property of the Crown; the Board of Trade and the Admiralty were intrusted with the supervision of the works.

VISCOUNT PALMERSTON said, that nothing was more generally admitted than that the system of conditional orders was a very great improvement on the old system. It applied to enclosures, piers, and harbours—it saved a great deal of expense, facilitated public improvements, and was a great accommodation to all parties interested. With respect to the course pursued by his right hon. Friend (Mr. M. Gibson), he had no choice in the matter, as the law required that the assent of the Woods and Forests should be obtained. The property was vested in the Crown, but he quite admitted that it was held for the public; it was necessary, therefore, to see that no use was made of it which might be detrimental to the public interest. The Woods and Forests required a very small acknowledgment, not at all a heavy tax upon the parties concerned, but by way of admission that it was Crown property; and he thought that in so doing they were only maintaining a right intrusted to them.

MR. AUGUSTUS SMITH said, he was glad to hear the noble Lord's admission that the Crown held the foreshores for the public interest.

MR. PAULL said, that the question before the House was not whether the Woods and Forests should exercise the right referred to, but whether a Bill to confirm certain provisional orders should pass. If

any objection was felt to the authority of the Woods and Forests to issue these provisional orders, the issue ought to be fairly raised by a substantive Motion.

MR. HAS SARD thought it was a fallacy to assert that the Crown was in all cases the owner of the foreshore.

Amendment, by leave, withdrawn.

Main Question put, and agreed to.

House in Committee.

MR. ELLICE (St. Andrew's) moved to omit the 13th paragraph of the schedule. The clause as it stood gave the Woods and Forests power to interfere with works which the Admiralty and the Board of Trade had sanctioned. This was, in other words, giving them power to extort money from those who were making these harbours in the interest of the public.

Amendment proposed, to leave out paragraph 13.

MR. AUGUSTUS SMITH said, the Commissioners of Woods and Forests ought not to be allowed to have the power, or allowed that interference over the harbours which this clause would give them.

MR. PEEL supported the clause, and said, it had been framed in accordance with the Lands Clauses Consolidation Act, and that there could be no sound objection to it.

MR. BLACKBURN trusted the Motion of his hon. Friend the Member for St. Andrew's (Mr. Ellice) would be agreed to.

THE SOLICITOR GENERAL said, the proper mode of proceeding, if hon. Members thought that Parliament had given too much power to the Woods and Forests, was to introduce a new Bill to repeal or amend the Act under which those provisional orders were made.

MR. CHILDERES said, if the Committee consented to the clause, they would be acting directly in the teeth of the Act of last Session, and of the decision of the House in the present Session also.

MR. PAULL said, the Woods and Forests would give their sanction, upon condition that a clause which would protect their rights was introduced in the particular Acts. They did not assert their claims beforehand. What they said was, "We give our sanction to your proposed plans; but we reserve to ourselves the right, when you come to execute those plans, to put in our claims." The real question

*Mr. Paull*

before the Committee was, whether, by excluding the paragraph, they would not do an injury to the promoters.

MR. E. P. BOUVERIE said, the Woods and Forests wanted to attach to their consent a condition by virtue of which they should have the right of approval of the works which were to be constructed under the provisional orders; and what his hon. Friend wished was, that the Committee should say whether the Woods and Forests were right in attaching that condition. He did not think either the interests of the public or the rights of the Crown required such a condition. In many cases, moreover, it was monstrous to require the consent of the Woods and Forests, for the property did not always belong to the Crown.

MR. KINNAIRD hoped that the Government would give way on this point, as it was one on which there could be no doubt.

MR. MILNER GIBSON said, that the Board of Trade had acted strictly in accordance with the Act of Parliament, which required the consent of the Woods and Forests to be given. The Woods and Forests had given their consent with a condition; but if the Committee did away with the condition, then the Woods and Forests could not be said to have given their consent. The condition was not an unreasonable one, and was in accordance with Parliamentary practice, because it was inserted in every private Bill.

Question put, "That paragraph 13 stand part of the Schedule."

The Committee divided:—Ayes 37; Noes 78: Majority 41.

MR. E. P. BOUVERIE said, that the adoption of the Amendment rendered necessary the omission of four other consequential clauses.

MR. MILNER GIBSON said, that after the expression of opinion just given by the Committee, he would omit the part in each of the other provisional orders in the Bill similar to that which had just been struck out.

House resumed.

Bill reported; as amended, to be considered on Monday next, and to be printed [Bill 171].

House adjourned at a quarter after Two o'clock, till Monday next.

H O U S E O F L O R D S,  
*Monday, June 30, 1862.*

**MINUTES.]—PUBLIC BILLS.—**1<sup>a</sup> Consolidated Fund (£10,000,000); Companies, &c.; Attorneys and Solicitors Amendment.  
 2<sup>a</sup> Courts of the Church of Scotland; The Queen's Prison Discontinuance; Sandhurst Vesting; Portadown Fair Discontinuance.  
 3<sup>a</sup> Red Sea and India Telegraph Company.  
**Royal Assent.**—Peace Preservation (Ireland); Local Government Supplemental; Oxford University; Retiring Pay, &c. (British Forces, India); Universities (Scotland) Act Amendment; Public Works and Harbours Act Amendment; Landed Property Improvement (Ireland) Acts Amendment.

UNITED STATES—THE CIVIL WAR.  
 OBSERVATIONS.

Lord BROUGHAM said, that he could not refrain from addressing a few words to their Lordships, to call their attention to some private accounts he had received from individuals of the civil war now raging in America. The horrors of this contest, according to these persons, who were most friendly to our kinsmen across the Atlantic, far surpassed anything that had appeared in the public journals. It appeared that not only were thousands on thousands of men embattled on either side, and displaying a courage and a conduct which were above all commendation; but the war, and all the malignant passions with which war was accompanied, had taken root in every rank of life, and all the evils of a civil contest were experienced in their greatest intensity. The inhabitants of the same village were banded against each other, and neighbouring farmers and proprietors daily armed themselves and went forth, not to fight in their armies, but to carry on a sort of private warfare and to gratify their personal feelings of animosity or revenge. In private families where a difference of opinion as to the war prevailed the most intense animosity existed, and was avowed almost without shame. He had heard one instance of a most respectable family, in which the father and son had taken opposite sides, and the son had been heard to say that he hoped to hear of his father's death. He threw out no imputation on the character of the American people. Proverbially, the corruption of the best was always worst; and a dispute among near relatives was always excessively bitter. But although the war might be explained, it could not be justified or even extenuated. It

was clear that neither the Government of France nor that of England could interfere in the quarrel. But, at the same time, every one was most anxious that these horrors should cease, and those who most fervently cherished that desire were those who, like himself, had always been most friendly to the Americans. For upwards of sixty years he had been known as a warm advocate at all times of the American Government and the American people. Some might recollect that he was once called the partisan of Jefferson and again the Attorney General of Madison; and it was because he was a most earnest well-wisher of America that he was specially afflicted by the present condition of that country; and could his voice reach them, he would, as a friend, a fellow Christian, a fellow creature, implore them to make an end of this horrible war. Others, too, who had uniformly taken the part of the Americans, were now most cruelly shocked and disappointed by the present course of events. If the civil war continued, they would be bound to admit that the worst stain on the American character was not domestic slavery. The white men had suffered more in the war than ever did the negroes under the most cruel of their masters. The present fratricidal strife was doing more mischief, creating more misery, and laying the foundation of more lasting animosity even than their unhappy "domestic institution." If the Americans would only listen to the voice of their true friends, they would, if they regarded the continuance of their reputation in this country, and of our affection towards them, see the absolute necessity of putting an end to this horrible war. He could not, for his life, believe that the good sense of those among the Americans who were better informed and capable of calm reflection, would not, sooner or later, be exerted to bring about this most desirable consummation.

EDUCATION OF PAUPER CHILDREN  
 BILL—[Bill No. 129.]—REPORT.

Amendments *reported* (according to Order).

Lord REDESDALE moved an Amendment restricting the operation of the measure to children in workhouses, or the children of parents who were receiving indoor relief.

The EARL of DEVON said, that he felt so strongly the injury which the pro-

posed restriction would do to the Bill, that if the Amendment were pressed, he should take the sense of the House upon it.

*Amendment negatived.*

Bill to be read 3<sup>rd</sup> on Thursday next.

ATTORNEYS AND SOLICITORS AMENDMENT BILL.

BILL PRESENTED. FIRST READING.

THE MARQUESS OF CLANRICARDE said, that since the Union the greatest desire had been shown to assimilate the law and the administration of justice in Ireland and England, and in his opinion it would be wise to allow the barristers and attorneys of one country to practise in the other. He was not prepared to make a proposition with respect to barristers, whose call was subject to regulations by the Benchers of the Inns of Court; but the admission of attorneys to the courts in England and Ireland was regulated by Act of Parliament, and he hoped their Lordships would agree with him that it was desirable to amend the existing law, so as to give the attorneys of one country permission to practise in the Superior Courts of the other. He could see no possible objection to it, and he conceived it would be of great advantage to the public. A landowner, the bulk of whose property was in England, and who resided in England, and who possessed property in Ireland, ought to be able to employ his family solicitor to manage business connected with his Irish property; and persons in Ireland who had to enforce rights in England ought to have the same power, and be able to appeal to the English courts of justice by means of their own solicitor, who was necessarily best acquainted with the circumstances and nature of their claims. Irish attorneys and solicitors were at present allowed to practise before their Lordships' House to prosecute Irish appeals. He had prepared a short Bill on the subject, which he begged to lay on the table, and he hoped the noble and learned Lords would give it their consideration.

The noble Lord then *presented* "A Bill to amend the Laws relating to the Attorneys and Solicitors of the Superior Courts of England and Ireland respectively."

THE LORD CHANCELLOR said, he had not been aware that it was the intention of the noble Marquess to present a Bill on this subject, and he thought it would not be desirable to enter into a discussion

until their Lordships had been informed of its provisions. It might be that the proposition of the noble Marquess was theoretically right, and that it was consistent with uniformity; but it was a singular fact that no single practitioner on either side of St. George's Channel had ever complained of the existing practice as a grievance, or had ever suggested any measure of the kind; nor had he ever heard of any practical injury being sustained to which it was desirable to apply a remedy. If the principle of the Bill were conceded, it must have a very wide extension, and a much larger inquiry and a further consideration of the subject in all its branches would be necessary than their Lordships would be able to give at this period of the Session. He hoped, therefore, that the noble Marquess would not now proceed with his Bill. The whole subject would be examined before a Select Committee in another Session.

LORD CRANWORTH agreed that it was impossible to contemplate any actual legislation during the present Session, but thought that the public were much indebted to the noble Marquess for having called attention to the subject. He could not concur with the noble Marquess in thinking, that if any reform of this sort was required, it should stop short in throwing open the courts of one country to the legal practitioners of the other at the rank of attorneys and solicitors, or even at advocates. He thought the introduction of the Bill might be very useful, as laying a foundation for the discussion of questions of wider scope. He did not see, for example, why it might not be extremely convenient for England and Ireland that the Judges of the Superior Courts of one country should preside in those of the other. He thought that in some future Session of Parliament some inquiry into the question might be made.

THE MARQUESS OF CLANRICARDE said, he was quite aware that such a reform, once commenced, could not stop at this stage, and it was for the purpose of calling attention to the subject that he had introduced this Bill.

After a few words from LORD WENDEYDALE,

Bill read 1<sup>st</sup> [Bill 136].

GAME AMENDMENT BILL—[Bill No. 123.]

SECOND READING. BILL WITHDRAWN.

Order of the Day for the Second Reading read.

*The Earl of Devon*

LORD BERNERS, in moving the second reading of the Game Amendment Bill, said, he would not trouble their Lordships at any length by repeating the description he had given on a former occasion of the prevalence of crime under the present system; but he would call their attention to the memorial signed by the chief constables of twenty-eight counties, which showed the impunity with which poaching was carried on in districts where the game was not fully preserved. He contended that, apart from the question whether the Game Laws were good or bad, as long as they remained in the statute-book they should be enforced. Having received an intimation from Her Majesty's Government, that it did not intend this Session to bring forward a measure on the subject, he had ventured to lay one before the House. One of its provisions was a registry for dealers in game. He had been assured by one of the largest game-dealers in England that such a registry would be a great boon to the licensed dealers, and a discouragement to the unlicensed and dishonest trader. He had also adopted one of the provisions of the Metropolitan Police Act, that gave the police in the London district the power of stopping suspected persons, and taking from them things stolen or unlawfully obtained. It had been said that it would be very improper to give to country magistrates the same power of dealing with poachers that the Police Act gave to the London magistrates in cases of persons arrested on suspicion. But he believed that the country magistrates had just as much interest in the execution of the laws as any magistrate in the metropolitan district. He was convinced that the power would not be used improperly. It had been his wish to bring in an efficient Bill; but he was willing to adopt Amendments if suggested.

*Moved*, That the Bill be now read 2<sup>d</sup>.

EARL GRANVILLE felt that it would be very unwise to agree to the second reading of the Bill, especially as there was not the slightest chance of its passing the Commons. It was very undesirable that their Lordships should pass any measure of this kind without serious consideration. The first clause of the Bill appeared to him arbitrary in the highest degree. It empowered the police to arrest persons merely on the suspicion of possessing game, and to stop and detain any boat, carriage, or cart, suspected of carrying

game. It would be impossible to assent to such a clause—and, as he was reminded, a carriage belonging to any of their Lordships might be taken before the magistrates on suspicion of containing game unlawfully come by. The second clause provided, that "if any game, or the head, skin, feathers, or other part thereof, or the eggs thereof, or any hare, rabbit, or any snare or engine for the taking of game, hares, or rabbits," should be found in the possession of any person or upon his premises with his knowledge, and such person should be unable to satisfy a justice of the peace that he came lawfully by such game, or had a lawful occasion for such snare or engine, he should pay any sum not exceeding £5. Then the clause went on to enact, that if any such person should not under the said provision be liable to conviction, the justice at his discretion might summon before him every person through whose hands these articles appeared to have passed, who, if he did not satisfy the justice that he came lawfully by them, was to be liable to the same penalty. That was a strong clause; but the next was still more arbitrary, because, upon the oath of a credible witness that there was "a good ground to suspect that any lurchers, snap dogs, springing dogs, nets, or engines are in possession of any person not legally authorized," a police-constable would be able to enter and search the house, and take the occupier before the magistrate, who was empowered to inflict a fine, and order the dogs, nets, or engines "to be given over to and for the use of the lord of the manor where they may be found, or otherwise destroyed." The person suspected was to be called on to prove a negative—namely, that the articles in his possession were not intended for any unlawful purpose. Upon this point it would surely be very difficult for the magistrate to come to any conclusion. Taking the Bill as a whole, he thought that to pass it would only be to make their Lordships ridiculous, and to defeat the very object which they had in view. It was absolutely necessary that to such a subject careful consideration should be given; and probably the better plan would be to refer to the question to a Select Committee.

LORD BERNERS said, that some portions of the Bill which had been objected to were identical with those of a measure passed last year.

THE EARL OF DERBY should have

entirely concurred with many observations which had been made, if this had been the third reading of the Bill, because he was quite ready to admit that not only were many verbal alterations required, but that there were provisions which he for one would not ask their Lordships to adopt. He must, however, say that his noble Friend had been hardly fairly dealt with by the noble Earl (Earl Granville), because the noble Earl was aware that his noble Friend had expressed his readiness to abandon almost all those parts of the Bill which were objected to. As to the first clause, it no doubt should require that the constable not only had reason to suspect that the person had game in his possession, but that he had it unlawfully. Nor would it be right to make it an offence for a man to own dogs of certain descriptions, for that was no *prima facie* indication that he intended to use them in poaching. The main question was, whether police constables in the country districts should have the power of searching persons whom they met between certain hours and suspected of having game unlawfully in their possession—persons who obtained their game in gangs by breaches of the peace, and often by murderous assault, and who openly boasted of the possession of it. The simple object of the Bill was to give police-constables this power, and he thought that all who were not led away by claptrap arguments would agree in the desirability of this object. The Bill was not brought forward with a view to encourage game preserving, but to preserve life, and to insure the peace of the rural districts; and he should much regret if such a measure were rejected upon the second reading. He would strike out from the second clause all mention of "heads, skins, feathers," and other articles; but he was not sure that it would be advisable to strike out the word "eggs," the collection of which led to frequent poaching, and he regretted that no inconsiderable number of game preservers encouraged this offence by buying eggs. He had strictly enjoined all his keepers never, under any circumstances, to buy an egg for the purpose of breeding; but knowing how extensively this trade was carried on, he thought the word "eggs" should be retained in the clause. His noble Friend was willing to omit the third clause, and confine the Bill practically to the first clause, the first portion of the second, and to the provision by which persons buying game were to keep

a register of purchases. Looking at the object of the Bill, and the extent of the mischief, he hoped their Lordships would unite to consider its provisions, and would send down a measure which would be likely to receive the concurrence of the other House, and put a stop to a serious and a growing evil. It was a very short Bill, and he thought that it could be very well considered in a Committee of the Whole House in the ordinary way.

LORD LYVEDEN admitted that night-poaching was a great and, perhaps, an increasing evil; but if it were really wished to preserve the lives of the keepers and prevent the conflicts which now took place, they ought to give to the police powers to prevent their going out, and not merely at their return to stop the poachers, who went armed with crowbars, hooks, and weapons, meant not for killing game but for assaulting men. It was said that this was not a game-preserving Bill, but it certainly seemed one of the most stringent he had ever set eyes upon; moreover, it did not touch the evil to which he had referred. In his opinion, their Lordships should be extremely cautious how they put the police on the footing of assistant keepers, which would make them a very unpopular class in the rural districts. Among the poorer classes there was no particular abhorrence of the offence of poaching; and as the Legislature had made a concession to the feelings of the farmers in not employing the police as collectors of agricultural statistics, he advised their Lordships not to put them out of favour with the lower classes in the country by employing them as assistant keepers. At the same time, the present state of the game laws was certainly most anomalous, and poaching seemed to be regarded as a private affair between the game preserver and the poacher; for in game cases you were not allowed the expenses of prosecution, which in other cases came out of the county rates. He was inclined to regard the fourth clause—that relating to the register to be kept by all the dealers in game—as the best in the Bill, for he believed the great cause of all poaching was the encouragement afforded by unscrupulous salesmen. When the last revision of the Game Laws took place, Lord Althorp intended to introduce some provision like that in the existing Act, but from some cause it was omitted. Considering the difficulties attaching to this subject, he thought the best course

would be to refer it to a Select Committee.

EARL GREY said, he was informed by the chief constable of a county with which he was connected that there would be no difficulty in enabling the police, if legal power were given them, to stop persons returning home at undue hours laden with game; but he thought it would be difficult to legislate simply against armed gangs going out at night, because they might easily go singly or by twos and threes; and they might have their weapons concealed about them. There would be no possibility of preventing the practice without resorting to measures of the most arbitrary description. But, on the other hand, there was but one purpose for which these armed gangs went out; and if the police had power to stop them as they came back, and compel them to give an account of themselves, there would be no difficulty in putting down the evil. It appeared to him that some of the penalties for poaching were excessively severe, and, on the other hand, the proofs required for the establishment of the offence were so stringent as to throw great difficulties in the way of prosecutors, and conferred upon the poacher a prospect of impunity. He thought that they should make up their minds as to the law; and having decided that, they should take care to make the means of enforcing it as complete as possible. The penalties for night poaching were now exceedingly severe, especially when no violence was used; and he thought the fact that the mere act of night poaching was liable to such severe punishment often induced poachers when detected to have recourse to violence to prevent their capture; therefore he would like to see the severity of some penalties reduced, and the difficulties in the way of proving the offence removed. The suggestion to refer the subject to a Select Committee was a good one; but he could not see why the Bill should not be read a second time, thus proclaiming the opinion of the House that the law required amendment, and afterwards the Bill could be sent to a Select Committee.

THE EARL OF MALMESBURY thought the noble Lord (Lord Lyveden) was mistaken in supposing that this Bill proposed any great alteration of the existing law. The alterations proposed were, in fact, small. Neither could he agree with the noble Lord that night poachers were popular with the humbler classes of this

country. In many instances, he knew that poachers were regarded with hatred and alarm by their neighbours, and were only popular with the beer-shop keepers, at whose houses they dissipated their ill-gotten gains. In considering this subject, it should be remembered that the gamekeepers were themselves a police; and if the game laws were abolished to-morrow, and game preserving ceased, he believed that it would speedily become necessary to double the police force; and therefore he regarded gamekeepers as instruments for keeping down the county rates and giving security to property about farms and villages. In order to show the unpopularity of poachers in a country where no game laws existed, he might mention that in 1843 he was present at many sittings of the Chambers in France, where a flood of petitions came in from farmers and proprietors in rural districts complaining of the prevalence of poaching, and praying that a game law might be established. That was in a country where there was only what he might call indigenous game—hares, rabbits, and partridges. There was now little outcry against the game laws, and he did not desire to see an agitation revived by the enactment of more severe measures. He was sure his noble Friend would consent to introduce any Amendments into his Bill which would enable the object to be attained without increasing the stringency of the present laws. There was an enormous property involved in the preservation of game, and that property he considered worthy of defence and protection. It might be assumed that the value of a pheasant was 3s. 6d., of a partridge 1s. 6d., and of a hare 2s.; and from carefully collected statistics it appeared that there were annually sold 250,000 pheasants, which, at 3s. 6d. a head, made £43,750, and of partridges there were also sold 250,000, which, at 1s. 6d. a head, made £18,750; or putting it in another way, this return was equal to the interest, at 4 per cent, of £1,500,000. That was its direct value, but its indirect value was still greater. They all knew that without shooting country residences were of very little value; but with shooting, they would let for large sums. He did not know what might be the value of the privilege of shooting in England, but in Scotland, five years ago, there were one hundred moors let at £250 each, yielding in the aggregate £25,000; and 200 let at £100 each, yielding in the aggregate

£20,000; making altogether £45,000 a year from the letting of the moors alone. Then there was another point. The present number of persons employed directly in the preservation of game in the United Kingdom could not be less than 20,000, and indirectly there were probably not less than twice as many, making 60,000 altogether. The expense of prosecuting poachers had been referred to; but from a Return which was issued some time ago, it appeared that the taxes alone for game certificates and licences for the sale of game, and other things connected with game, amounted to something like £870,000 a year, which he thought was more than a fair compensation for any addition to the county rates from prosecutions for poaching. He hoped the noble Lord would proceed with the Bill, and that their Lordships would assent to the second reading; but he thought that time would be lost in sending it to a Committee upstairs.

**LORD LYVEDEN** explained, that he had not said that this was a measure for the revision of the Game Laws, but that it was a very stringent game-preserving Bill. Nor had he said that poaching was popular, but that in prosecuting poachers they had not the same moral support from the lower classes that they had in prosecuting other offenders.

**LORD POLWARTH** said, that in his part of Scotland the police were employed in bringing poachers to justice. The people rendered every assistance to the police, and the poachers, finding their occupation insecure, were induced in many cases to abandon it.

**LORD CHANCELLOR** suggested, that the object of the noble Lord who introduced the Bill would be better promoted by withdrawing the Bill altogether and introducing another, omitting the clauses which were calculated to give rise to obloquy and misrepresentation, and limited entirely to those which were likely to receive the assent of noble Lords on both sides of the House. Such a measure might be introduced to-morrow, and so far from such a step impeding the passing of such a measure, it would in all probability facilitate its passing.

After a few words from the Earl of STRADROKE,

**THE EARL OF DERBY** said, that if it were understood that such a measure as had been suggested by the noble and learned Lord on the Woolsack would receive the support of Her Majesty's Government, and

that no impediment would be placed in the way of its passage through the House, he would recommend his noble Friend to withdraw his Bill and introduce a more limited one. If no assurance of that kind were given, he would recommend him to persevere with this measure, introducing in Committee such alterations as might make the Bill accord with the general feeling of the House.

**EARL GRANVILLE** said, that if the noble Baron would introduce a measure in the simpler form which had been suggested, he would offer no opposition to its being read a second time; but he must reserve to himself the right of proposing that it should be referred to a Select Committee. When they saw in what shape it was returned from the Select Committee, they would be better able to determine whether the Government would give it their support.

**THE EARL OF DERBY** said, that there might be no objection to referring the Bill to a Select Committee; but if the whole question of the Game Laws were referred to such a Committee, no Bill could be passed this year.

**EARL GRANVILLE** should have preferred a more general inquiry; but, in deference to the feeling of their Lordships, he would only propose that the Bill should be referred to the Committee. At the same time, he hoped that the adoption of that course would not be understood to preclude the proposition of Amendments such as those which had been suggested by the noble Lord on the cross benches and other noble Lords.

**LORD BERNERS** said, that upon this understanding he was quite willing to withdraw his Motion for the second reading of the Bill.

Motion (by leave of the House) withdrawn; and Bill (by leave of the House) withdrawn.

House adjourned at a quarter past Seven o'clock, till To-morrow, half-past Ten o'clock.

#### H O U S E O F C O M M O N S ,

Monday, June 30, 1862.

MINUTES.]—PUBLIC BILLS.—1<sup>o</sup> Church Rates Voluntary Redemption: Duchy of Cornwall Lands (Completion of Arrangements); New Zealand.  
2<sup>o</sup> Fortifications (Provision for Expenses); Lunatics Law Amendment; Inclosure (No. 2).  
3<sup>o</sup> Coal Mines.

*The Earl of Malmesbury*

LAW RELATIVE TO NIGHT POACHING.  
QUESTION.

SIR WILLIAM GALLWEY said, he would beg to ask the Secretary of State for the Home Department, Whether he will consent to refer the question of the expediency of altering the Laws relative to Night Poaching to a Select Committee?

SIR GEORGE GREY said, in the course of the next Session, if a Motion should be made for inquiry into the operation of the existing Law on the subject of Night Poaching he should consent to it. From the Bills which he had seen on the subject he thought it essential that some inquiry should precede any alteration of the Law.

CANADA—NEW ZEALAND.—QUESTION.

MR. ARTHUR MILLS said, he would beg to ask the Under Secretary of State for the Colonies, Whether there will be any objection to lay upon the table of the House the correspondence which has passed between the Home Government and the Governor of Canada with reference to the Militia Bill; and whether the Despatches which have been recently received from the Governor of New Zealand respecting the Native Land question in that Colony will be presented to Parliament?

MR. CHICHESTER FORTESCUE said, the Correspondence with respect to the Canada Militia Bill was of very small amount, and there was no objection to produce it. The Correspondence upon the New Zealand question was still in progress, and he hoped it would be laid upon the table before the end of the Session.

UNITED STATES—THE CIVIL WAR.  
QUESTION.

MR. HOPWOOD said, he would beg to ask the First Lord of the Treasury, Whether, considering the great and increasing distress in the country, the patient manner in which it has hitherto been borne, and the hopelessness of the termination of hostilities, the Government intend to take any steps whatever, either as parties to intervention or otherwise, to endeavour to put an end to the Civil War in America? He wished to give the Government full opportunity of considering

this question, as he should not proceed with the Motion to-morrow which stood in his name.

VISCOUNT PALMERSTON: Sir, I trust I need not assure the hon. Member and the House that Her Majesty's Government are deeply sensible of the sufferings now existing in the cotton-manufacturing districts. We know that the privations in those districts are great, and also that those who suffer them have endured them with the most heroic fortitude and patience, thus doing the greatest possible credit to their understanding and intelligence. They know that the sufferings which they endure have not resulted from any bad legislation or any misconduct on the part of the Government of the country. They know they are caused by circumstances in other countries over which we have no control. Her Majesty's Government would be most happy, if it were in their power, to do anything which would be likely to afford relief to those unhappy classes of the population. But I am sure the House will see that anything like interference with the war now going on would only aggravate still more the sufferings of those now under privation. With respect to mediation and good offices, there is no doubt whatever that both Her Majesty's Government and the Government of the Emperor of the French would be delighted to avail themselves of any opportunity that appeared to offer a fair prospect that such a step would be attended with success. But in the present state of the contest, while the two parties seem animated with the most bitter feelings and angry resentment against each other, I am afraid that any proposal of that kind would not be well timed, and would be sure to meet with rejection on both sides. If, however, at any time, a different state of things should arise, and a fair opening appear for any step which might be likely to meet with the acquiescence of the two parties, it would be not only our duty to offer our services, but would afford Her Majesty's Government the greatest possible pleasure to do so.

THAMES EMBANKMENT.

PAPERS MOVED FOR—EXPLANATION.

SIR JOHN SHELLEY said, he wished to put a Question to the First Commissioner of Works, with regard to a Motion which stood in his (Sir John Shelley's)

name, for the production of Correspondence which had been alluded to on Friday evening, and which the Committee on the Thames Embankment Bill had unanimously voted should be produced. He observed that the Resolution had that morning been delivered to Members as a fly-sheet to the ordinary printed papers. He wished to know whether he should be permitted to take that Correspondence as an unopposed Return?

MR. COWPER said, there was no objection whatever to the Motion of the hon. Baronet; he only hoped the hon. Baronet understood that there was no ambiguity under the name of works—that under "works" were not included the proceedings relating to Bills and Reports which were in his previous notice. To the amended notice there was no objection whatever.

SIR JOHN SHELLEY said, he begged to move, as as an unopposed Return, for copy of all Correspondence between the Treasury, the Office of Works, and the Commissioners of Woods, Forests, and Land Revenues, relating to the Works under the Thames Embankment Bill, and the Plans relating thereto.

LORD ROBERT MONTAGU: Sir, as there is a Motion before the House, I wish to take this opportunity of addressing a few words of personal explanation to the House, and I hope it will accord to me that customary indulgence which, whether there be a Motion before it or not, is invariably accorded to hon. Gentlemen who have been made subject to attack, or who desire to correct any erroneous impression. The matter that I wish to bring before the House arises out of what took place on Friday last, and I must first put the House in possession of facts which caused me to make the Motion for the adjournment on that evening. On that evening some of the Members of the Thames Embankment Committee met together a little before four o'clock, in order that a rumour, inexplicit in its form, should not remain unnoticed. At that meeting we came to no decision as to our course of action; but at a quarter to six we met again, and it was then agreed that some hon. Gentleman should move the adjournment of the House in order to obtain such explanations as were considered to be necessary, and I was requested to make that Motion. Now, Sir, in the papers of this morning there are three distinct charges brought against me in a letter signed by a gentleman of

the name of Matthew Higgins. The first statement is that "Mr. W. F. Higgins has written to assure me that Lord Robert Montagu has stated what is not the fact, in saying that he had given to his Lordship full leave of mentioning the circumstance of having opened an envelope not intended for him." Now, I beg the House to bear in mind the statement which I made. It was in these words:—"There is a story current in the House"—I made no statement whatever for myself—I merely alluded to a story which was current in the House—and which has reached every member of the Embankment Committee. I think it only fair and just to the right hon. Gentleman the Chief Commissioner of Works to relate that story in order that he may have the opportunity of explaining it and, I trust, of denying its accuracy. Now, Sir, that rumour was current, and was related to me by the hon. Member for Marlow (Colonel Knox), and he said, "I need not tell you that Mr. Higgins does not object to have it repeated. On the contrary, he wishes use to be made of it," and that the House will see is confirmed by a sentence in Mr. Higgins's letter to me.

MR. SPEAKER: The noble Lord is permitted to make any explanation that he thinks necessary in reference to anything which he has stated in this House and which he thinks necessary for his own vindication, but he is not at liberty to make any comments upon the language used by another person in reference to what has taken place in this House.

LORD ROBERT MONTAGU: I understood that I might allude to my own speech.

MR. SPEAKER: If the noble Lord thinks that anything which he has said in this House requires explanation, he may give that explanation, but he must confine himself within that limit.

LORD ROBERT MONTAGU: I rested my statement entirely on general rumour. The only words that had the appearance of being a quotation were to this effect, that there were marginal references on the papers forwarded to Mr. Higgins, and one of them was "I particularly direct your attention to the answer of Mr. Horniman to Question so-and-so." It has been admitted by the Chief Commissioner of Works that there were such marginal references, and that is the only thing approaching to a statement of my own; and that I made because the right hon. Mem-

*Sir John Shelley*

ber for Stroud told me of it, and that right hon. Gentleman is my authority for the statement [Mr. HORSMAN made a gesture of denial.] The right hon. Gentleman certainly told me that, and said, "Mind you mention that in the House." [Mr. HORSMAN again denied the statement by gesture.] I told the right hon. Gentleman I would not omit to mention it, and it has been borne out by facts. [Mr. HORSMAN: Quite ridiculous!] I will now read to the House the letter which Mr. W. F. Higgins has written to me—

" 3, Chester Place, Chester Square,  
" June 28.

" My Lord,—It has been with feelings of very great regret that I have read in *The Times* of this morning a speech of your Lordship's on the question of the Thames Embankment; and from what followed the public has been led to believe that a private letter, sent through the post, and intended for another Mr. Higgins, has fallen into my hands, that it had been intercepted by me, and that I had made public use of its contents. Now, the facts of what did occur are simply these:—On the evening of Monday, the 23rd inst., a packet addressed as follows:—'Private, W. F. Higgins, Esq., 3, Chester Place, Chester Square' (my correct initials and correct address), was left at my house, not by the postman, but by a messenger. I, of course, opened it, and found that it contained no letter whatever, but memorandum referring to certain questions and answers in the evidence taken before the Embankment Committee; copies of which were enclosed. There was no signature in the corner of the envelope; there was no signature to the memorandum; there were no initials; there was, in fact, nothing to lead me to a knowledge of the writer of it, and the only clue I had to the source from whence the packet came was the official seal, which bore the impression of the Board of Works. To that office I accordingly went on the next day, and there learnt from the messenger in the hall, to whom I put the question, that the packet was addressed to me in the handwriting of Mr. Cowper. I asked to see Mr. Cowper, and handed back to him the packet, which, in the mean time, had never been out of my possession. I do not for a moment deny that I mentioned the circumstance to many friends, both in and out of the House, and I certainly never bound them to silence. I never showed the contents of the packet to anybody; and if I am asked if I ever authorized the circumstance being mentioned in Parliament, I must decidedly answer in the negative. Had any letter, private or not private, reached my hands, that was not intended for me, I should, of course, have returned it in the most honourable way to its writer. I feel sure, that as your Lordship introduced my name into this discussion, you will, in justice to me, avail yourself of the earliest opportunity of publicly reading my explanation of the facts.

" I have the honour to be, my Lord,  
" Your obedient servant,

" W. F. HIGGINS.

" Lord Robert Montagu, M.P."  
On receiving that letter on Saturday morn-

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ing I instantly replied that I would inquire what the forms of the House would permit me to do. I found that I might read the correspondence to the House, and I wrote on Sunday to say that this should be done. After writing this I was astonished to find the grave charges made against me resting on the faith of Mr. W. F. Higgins, in the letter signed by Mr. M. Higgins; and thereupon I wrote the following letter:—

" Monday, June 30.

" Sir,—I have just read a letter in *The Times*, signed 'M. Higgins,' and request you to inform me whether the last paragraph of that letter be true. As you say you read the report in *The Times* of Saturday, you are aware that on Friday I related in the House of Commons merely 'a story current in the House,' which 'I thought it fair and just' to do, in order that Mr. Cowper might 'explain it or deny the accuracy of it.' You were also informed by the same report that Mr. Cowper acknowledged to have forwarded papers and minutes of evidence, and that he 'wrote on the papers some references to the conversation which he already had with Mr. Higgins.' You must therefore perceive that Mr. Higgins has written to say that you 'assured' him of that which you were aware was not the case. I assume that the paragraph in Mr. Higgins's letter is not correct. On Saturday forenoon, immediately on the receipt of your letter, I wrote to you, saying that I was anxious to put the House in possession of a correct version of the story, and would inquire how this could be done in accordance with the rules of the House. On Sunday I wrote to you to say that I was prepared to read your letter to the House. Before I can consent to take that course I must know whether you wrote to Mr. Higgins a letter such as that which he describes.

" Your obedient servant,

" R. W. MONTAGU.

" To W. F. Higgins, Esq."

Just before going to the House that evening I received the following answer:—

" Monday, June 30.

" My Lord,—In reply to the letter which I have this morning received, I beg at once to inform your Lordship that I am quite convinced that your statement was based merely on a 'story current in the House,' and that, as you professed to have no information from me, you cannot, of course, be accused of having 'stated what was not the fact.' As to the 'marginal references,' I cannot really say whether they existed or not, as, when I found that the documents were not intended for me, I paid no attention to what they contained. From the terms of your letter, I am sure you had a wrong impression of the note which I wrote to Mr. Higgins.

" I have the honour to be, my Lord,

" Your obedient servant,

" W. F. HIGGINS.

" To Lord Robert Montagu, M.P."

I must conclude by stating that I should regret exceedingly if I have used any words calculated to give pain to Mr. Higgins—I mean Mr. W. F. Higgins, and not

the tall gentleman; but I should like to know how the tall Mr. Higgins could profess to know anything about a letter which he never saw.

COLONEL KNOX said, that as the noble Lord had alluded to him as the person who had made the communication respecting the letter to Mr. Higgins, he wished to say, that having heard the rumour, he came down to the House, but was accidentally too late to ask the right hon. Gentleman whether he had written a certain letter to Mr. Higgins. He had no further knowledge of the circumstance than that he was called out of a club by Mr. Higgins, who waited to see him, and who stated that he had received the letter in question, containing enclosures, with the seal of the Woods and Works, and that he thought the members of the Committee ought to be made acquainted with the circumstance. He (Colonel Knox) thereupon told it to the noble Lord (Lord R. Montagu). As the noble Lord had stated that there was a meeting of gentlemen at six o'clock on Friday evening to determine what to do in the matter, he had only to state that he was not invited, although, under the circumstances, it would only perhaps have been fair if he had been asked to attend. As the noble Lord had mentioned his name as his authority, he begged to say that he could not endorse the statement he had made as being accurate in any way. He thought that the noble Lord after what had taken place might have done him the honour to communicate with him before he used his name. Mr. Higgins had sought him (Colonel Knox); he had not sought Mr. Higgins. He had told the noble Lord the story because it had been related to him without any conditions of secrecy.

LORD ROBERT MONTAGU: I did not allude to the hon. and gallant Gentleman the other day.

MR. HORSMAN said, that as his name had been used by the noble Lord—somewhat unwarrantably—he wished to state exactly what had occurred, and leave the House to form its own opinion. He was walking home along Whitehall between four and five o'clock on Friday evening, when he met the noble Lord near the office of Woods and Works. The noble Lord told him what had occurred, and said it had been determined to bring the matter before the House at six o'clock. He said he was deputed to bring it on, and that he was on his way to the Chief

Commissioner of Works to give him notice of his intention to do so; so that before he met the noble Lord a meeting had been held, and the determination to bring the matter before the House had been taken. Just as he parted from the noble Lord at the door of the Woods and Works, he understood from him that there was to be a further meeting of hon. Members at a quarter past five o'clock that evening to consider the subject. He had nothing to do with that meeting, and he avoided attending it; but when he came down to the House at six o'clock he went to the library, and found some of the Members still assembled. He said he had heard that his name, among others, had been mentioned in the matter. He gave the statement afterwards made by the noble Lord as a rumour. But he was so far from saying that the noble Lord should mention the matter that he never was so amazed as when he heard a private remark repeated to the House. As to his desire that the noble Lord should mention his name as occurring in the document, he could have had no possible motive for such a desire, and was amazed to hear it repeated to the House. He certainly came into the House on Friday evening and took part in the discussion, but the original determination of hon. Members to bring the matter before the House was taken before he heard of the matter.

VISCOUNT PALMERSTON: There is nothing in the world more calculated to lead to no result than a discussion about what "I said" and "you said," and somebody else said, because it is quite certain that no two individuals will agree as to what was said by either party. I should hope, that the noble Lord having disburdened himself by—I will not say a recantation, but an explanation—this conversation may be allowed to drop. The noble Lord, if he will allow me to say so, is in the position of having found a mare's nest. He thought he had made a great discovery, but it amounted only to this—that my right hon. Friend did what every member of a Committee considers himself at liberty to do, when the Committee have ended their labours, and sent one or two sheets of the evidence to a private friend. ["No, no!"] From what has been said, one might suppose that the Committee was a secret Committee, and that its proceedings ought to be known to no one but the Members; whereas the Committee was in fact attended by fifty or sixty persons

every day, and every word that passed in the Committee was known all over London by all persons whose interest or desire it was to be acquainted with what occurred. If there has been a breach of confidence, the House would be best able to judge who committed it; but as to accusing my right hon. Friend of a breach of confidence, you might as well say that it was a breach of confidence to send to a person, not being a Member of the House, a statement at seven o'clock on the Wednesday evening of what passed in the House in the morning, because by so doing you would anticipate *The Times* of next day.

SIR WILLIAM JOLLIFFE said, he did not wish to enter into details as to what had taken place in the Committee; but as the noble Lord had entered into various statements, he was sure the House would feel that full justice ought to be done to the members of the Committee. For himself he could say that he had entered on the duties cast on him by the House free from any bias, and with the determination to discharge them to the best of his ability, and he had heard with great pain—["Order!"]

MR. SPEAKER informed the right hon. Member that it was competent for him to make a personal explanation as to words spoken in that House, but not to enter upon the general substance of the proceedings of the Committee.

SIR WILLIAM JOLLIFFE said, he would confine himself to personal explanation. He had heard for the first time that night of certain meetings held by members of the Committee, but he did not attend them. On one occasion he went into the library a little before six o'clock, without knowing that there was a meeting, and he found several members of the Committee there. He supposed he was behind the rest of the world; for when on Friday night he addressed the House, he had never heard anything of what had occurred, nor of the gossip that was flying about. He did not allude to it; he merely alluded to a suppression which by accident or some means had been made in the report of the proceedings of the Committee.

*Motion agreed to.*

*Copy ordered,*

"Of all Correspondence between the Treasury, the Office of Works, and the Commissioners of Woods, Forests, and Land Revenues, relating to the works under the Thames Embankment Bill, and the plans relating thereto."

FORTIFICATIONS (PROVISION FOR EXPENSES) BILL—[Bill No. 168.]

SECOND READING.

Order for Second Reading read.

SIR GEORGE LEWIS moved the second reading of this Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."

SIR FREDERIC SMITH moved, as an Amendment—

"That there be laid before this House a Return showing the original and every subsequent Estimate for each work recommended by the Defences Commissioners; the amount of any Contract for each work; what proportion of each work is completed; and what inconvenience or injury, if any, to the Public Service would result from the postponement of any of the projected works."

Several Returns, bearing on this subject, had already been laid before the House; and he begged to thank the right hon. Gentleman the Secretary for War for the Return which had just been presented, and which contained much of the information that he had desired to obtain, and had moved for. Some of the works proposed to be constructed were far advanced, but some were not yet commenced; surely, then, they ought, at any rate, to inquire into the progress of those in hand. One was a work, or rather a series of works, of very great cost, for the defence of Plymouth, with respect to which no contract had been entered into, and no money expended; the question as regards this proposition was therefore fairly open to discussion. The work was, in his mind, of a very questionable character, and might be very well dispensed with. This bore upon the subject of invasion. Now, this country could only be invaded in the event of the British fleet being defeated at sea, or the British commanders at sea being eluded by the enemy; but since, in the last war, when they were opposed by the French, Spanish, Russian, Swedish, Danish, and Dutch fleets, forming an array well-nigh overwhelming, this country was not invaded, why were they to expect an invasion now? No doubt, a few years ago the relations of this country with France were critical, the English army was then, numerically, in a low state, and the navy was still lower; the artillery was only an artillery in name—so much had it been reduced in the long peace. Such was not the case at present. The artillery was now the pride of

the nation—nothing could be finer or better appointed; the ships of the navy were admirable, and the army was of the best description, though not numerous enough to provide garrisons for the extensive defensive works now projected. He protested most strongly against the policy of locking up a number of men in fortifications where they would be almost useless, instead of being enabled to act in the open field. If the best troops were to be locked up in fortresses, it was quite clear, that in the event of an enemy obtaining command of the Channel for three weeks or longer, and making a descent on the coast, the capital of the country would be in danger, and it would be also perilous to leave the defence of forts to inexperienced troops. He might also observe that the other day he was present in another place, when a high authority upon this subject informed his hearers that the effect of enormous guns upon iron-plated ships would be so to shake the plates that they would come off bodily from the ship; and in such a case an iron-plated ship would be inferior to a wooden one. This was an alarming statement, and one which called for close investigation before they proceeded to lay out more money on iron-cased ships on the present system. What, he would ask, was the Government about to leave such a vital point in doubt? He had been accused in another place of being opposed to fortifications; but no one had a higher appreciation of the science of engineering properly applied. If they had the money to complete these works, and skilful troops to defend them when completed, he should be the last man to hold up his hand against them; but, independent of the want of funds, he denied that they had troops enough to man the proposed forts; and to construct fortifications without the means of manning them was to create a source of weakness rather than of strength, and an absolute folly. We were not in a position, he believed, to man all those works, if constructed. It was said, indeed, that we should be able to garrison Portsmouth, Plymouth, Chatham, and other large fortresses in a very great degree, if not entirely, with raw troops and Volunteers, and there was no doubt that untrained troops, generally speaking, fought better behind fortifications than in the open field; but, knowing the valour of Englishmen, nine out of ten of the Volunteers would, he thought, prefer meeting the enemy in fair fight in

the field. It had been said by a high military authority, that in the event of an enemy landing on the coast of Kent, and marching on to the attack of the metropolis, we should have the garrisons of Dover and Portsmouth, which, be it remembered, are proposed to consist chiefly of raw troops, marching on the rear of the enemy, and harassing his rear and flank. But good results could, in his opinion, hardly be expected to follow from their attack under those circumstances, upon valiant and, at the same time, highly disciplined soldiers. Again, it was alleged that Dover was to be an intrenched camp, and that in the event of an enemy landing an army on the coast of Kent, troops might issue from Dover to attack it; but if an enemy were so to land, it would march forward at once, and knowing that there were 6,000 men in Dover, it would leave a corresponding force to hold them in check. But, be that as it might, there were some works with respect to which the most complete Returns had been furnished, and which, with the fullest consideration he could give the subject, might, he thought, be suspended without any injury to the public service. There were, in the first place, the gigantic works on Portsdown Hill, which were stated to have cost, or which would cost by the end of July, about £10,000 each. Now, the number and extent of those works were, in his opinion, too great to admit of our ever being able to man them, and he would therefore strongly urge on the Government the expediency of not being in a hurry to construct the whole of them. It was said that Portsdown was the key to Portsmouth; but he knew that the opinion of the late Duke of Wellington was, that the true defence of Portsmouth was the line of forts in front of Gosport; and certainly he never contemplated such fortifications as were now being erected round Portsmouth. They might depend upon it that a very limited number of works upon Portsdown Hill would be sufficient; and an enemy landing at Christchurch, or on the south-eastern coast, would not stop to attack Portsmouth, but would march on at once to the capital. Those persons who talked of an invading force, calculated to besiege Portsmouth, effecting a landing in Chichester harbour, let it be said with due respect for their high authority in other matters, knew little of this subject, for the thing was simply impossible. Those

works at Portsdown were not called for, and ought not to be carried on. He hoped that they would be able to stop some of these works. Then there was the Fareham work, on which as yet only £8,000 had been expended, but on which there was to be a further outlay of £105,000—a very large sum in the construction of a work of questionable necessity. To that work, also, his argument in favour of delay might, he thought, be very fairly applied. Again, the Plymouth defences on the Eastern side were to cost £360,000, of which a sum of £50,000 was to be expended in the coming year. That line of defence would prove far too much for our military forces, and, moreover, he did not believe that an enemy would ever sit down before Plymouth. It was too perilous an operation; for, in that position, he would be exposed both in flank and in rear, and we should be able to pour upon him almost the whole of our disposable force. It appeared to him that it would be much wiser to construct but one fort on that side, which would be sufficient for all useful purposes, and might be made the nucleus for other works, should they be subsequently found requisite. He was persuaded that the Plymouth eastern line of defence, as now proposed, would eventually be given up; for it is too extensive for the garrisons that could be spared, and yet not sufficiently distant from the dockyard to secure it from bombardment—in fact, it is an ill-chosen line. He wished to ask the Secretary for War, what he proposed to do if an enemy were to land in Essex? how we could operate upon either his flank or his rear? Such a contingency, in the event of an invasion, was by no means improbable. It had been projected before, and might be projected again. In the reign of Louis Philippe, one of the French Marshals actually drew up a plan of invasion, in which he proposed that while one division of the army was to land at Weymouth, another was to make an attempt somewhere in Essex. The Secretary for War appeared altogether to overlook the importance of defending that part of the coast. But he (Sir F. Smith) agreed with Admiral Robinson, who gave admirable evidence before the Defence Commissioners, that all defensive war should resolve itself into violent aggression upon the enemy. No war worthy of the name could be carried on by England unless the main object were to deal with the

enemy hand to hand, attacking him in his ports instead of defending our own. Our regular army had an admirable auxiliary in the Militia. He trusted that next year steps would be taken for having more of the militia embodied, or the period of training greatly increased. It was a mistake to suppose, however, that we could shut up the whole of our untrained force alone in our fortresses. We must always appropriate a large proportion of our regular troops to our forts. To depend upon fortifications for the defence of the metropolis would be, he thought, very unwise. It would be very hard if we could not dispose of an enemy before he reached London, if we did not shut up too great a number of regular troops in fortresses. Great peril would result from defending the capital by forts. The Duke of Wellington used to say, referring to the march of the Allies to Paris, that it was lucky for France that Paris was not fortified; because, if the Allies had been obliged to assault it, they would not have left one stone standing upon another. He was afraid, that if we were to attempt to defend the metropolis, some such terrible calamity would befall us in the event of a successful attack. He was sorry to find, from what had been said in another place, that the Spithead forts were not altogether given up. Already we had a formidable series of works along our coast, and he thought we should content ourselves with doing that which the Government, strangely enough, had not yet done—namely, covering the existing works with iron plating, and rendering them in other respects more formidable. The stones of some parts of Southsea Castle, for example, were crumbling to pieces, and he was at a loss to understand why that work should not be strengthened with iron-casing. The same remark applied to other works. He was far from wishing to weaken the hands of the Government, but he implored them to consider whether some reduction could not be made. There was no reason why the works at Plymouth should not be delayed for a year or two, or why the works at Fareham should not be suspended, or why the works on Portsdown Hill should not be diminished from five to three. He agreed with Sir John Burgoynes that there should be no works but fieldworks on Portsdown Hill, and, certainly, the Government would exercise a wise discretion in restricting the number

of works to three. He was impelled by a sense of duty to submit this statement to the House. He was as anxious as any man to see the country well defended, and to see fortifications where they ought to be; but he was extremely reluctant to see them placed where they ought not to be. One portion of his Motion had been in a great measure met by the Return presented by the right hon. Gentleman; but, entertaining the views he had expressed, he felt it his duty to move his Amendment.

**Amendment proposed,**

To leave out from the word "That" to the end of the Question, in order to add the words "there be laid before this House, a Return showing the original and every subsequent Estimate for each work recommended by the Defences Commissioners; the amount of any Contract for each work; what proportion of each work is completed; and what works can be postponed without injury to the Public Service,"

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. GREGORY seconded the Amendment. He must confess, however, that he could not see how the Government could satisfy the latter part of the Motion or make a Return as to "what inconvenience or injury, if any, would result from the postponement of any of the projected works." He wished very much that a different course had been taken with regard to this question of fortifications. He wished to see the question tested by some principle. He should have liked an issue to be raised which would have given himself and others who were opposed to those defences, as far as the evidence already given on the subject warranted an opposition to such works, an opportunity of recording their opinions. He thought his hon. Friend the Member for Liskeard (Mr. Osborne) had taken the right course the other evening to effect that object. His own impression was that the works of every fort should be suspended until it had been proved that they were worth any expenditure at all upon them, and he should have been glad to see the votes of hon. Members recorded on the question of suspending the execution of all the works at the forts until further experiments should have been made. As far as the evidence on the subject went, it showed that those forts would not be worth the expenditure. The whole question of the

efficiency of these forts rested on an hypothetical gun; and until that gun were constructed, he was of opinion that the forts should also be hypothetical. If Spithead forts were to be suspended, he thought there were much stronger reasons for abandoning Plymouth fort. He was informed that no hostile vessel need approach nearer than 1,500 yards, and as yet we had no gun which could destroy an iron-plated vessel at 200 yards. He would remind the House, that considering the distress that existed in Ireland and in Lancashire, they were not warranted in expending the large sums of money on works which might turn out to be worthless. The Chancellor of the Exchequer, in his speech at Manchester, when referring to the expenditure of the country, said that expenditure was caused partly by "works of real necessity." If that was correct, there must be some part of the national expenditure caused—if he might use the term—by works of "unreal" necessity. He looked upon the construction of ships and floating batteries as works of real necessity; but these forts for the alleged protection of our dockyards, and inland defences to protect the country against invasion, he looked on as works of the most unreal necessity that the wit of man could devise. As to the Report of the Commissioners upon the Defences of the country, he did not think it was warranted by the evidence which they had heard. When military and naval men were called upon to report as to the most perfect system of defences they could devise, it was natural, notwithstanding the weight of evidence the other way, that they should produce a Report of this description. The Secretary for War said the other night that that was a question of insurance. He (Mr. Gregory) would say that the question was whether they were prepared to insure at a hazardous rate of interest at a time when there was nothing to justify the payment of a high premium—when there was nothing in the position of the country involving any extraordinary risk. They had to deal with an expenditure which the House could reach, which it could moderate and diminish. The Chancellor of the Exchequer, who had often delighted the House with his eloquence, the other day created quite a sensation by the speech he delivered in Manchester. He showed, that if the House of Commons would only exert itself, great reductions might be made, and that finan-

*Sir Frederic Smith*

cial limit might at last be reached where the income tax should cease to trouble us; and every one was anxious to smooth the way to such reductions. If they could convince the House that it was not expedient to spend money on these forts, they would have done one of the best nights' work since the commencement of the Session. He could not quit this part of the subject without referring to the evidence given before the Committee on Colonial Expenditure last year. A committee of engineers had been making a circuit of the colonies to see where defences should be built. Some expenditure had been incurred at the Mauritius. The Chancellor of the Exchequer was examined. He was asked whether he approved that expenditure. He said—"No; the proper mode of defending the Mauritius was by a fleet; but these defences had been recommended by professional authorities. The blame rested not with the professional authorities so much as with those who set them about the work; for, if they are desired to say what works are necessary for the defence of an island, they give a purely professional opinion." For himself, he must say, although he was not a professional man, there were certain circumstances that must strike any man of common sense. The object was to raise up a second line of naval defence. The first line was our fleet, and the second should be floating batteries. Floating batteries were far more reliable, far more available, and of far greater primary importance than forts. By primary importance he meant to say—Construct first your floating batteries; and if they should not be found sufficient, these forts might be constructed; but no expenditure could be more wanton or monstrous than to spend money in forts until they had proved by actual experiment that they could destroy a flotilla at the furthest point at which that flotilla could attempt to pass them. He would read an extract from an amusing letter written by Major Macrae, R.E., to Captain Coles, in which it was stated that—

"Iron-cased ships, or forts in motion, can alone contend with reasonable chance of success against forts in motion. If Tom Sayers were strapped to a post very tightly, and you and I were allowed to dodge round him, we might think we should be able to crush the champion; but if the cord happened to break, I know what I should do; and when you write, please say what you would do. It is not unlikely our opinions might coincide upon this point, and that both should live to fight another day."

Then with respect to the large guns that had been projected: the experiment of the 12-ton gun had failed to go right through the side of the *Warrior* at 200 yards, and they would therefore be useless against a passing vessel; and before constructing enormous forts something ought to be known about the 300-pounders. The only testimony in favour of those guns was that of Sir William Armstrong himself. Now, he would pair off Sir William Armstrong against Colonel Taylor of Shoeburyness, the only artillery officer who was examined before the Committee, and who was of opinion that a point might be reached where the difficulty of handling the guns would almost counterbalance their increased power, and that it would be difficult to bring a 300-pounder to bear against a moving object. It was very remarkable that this was not the first time that the question of defending our dockyards by forts has been introduced. On the 27th of February, 1786, Mr. Pitt proposed a Resolution to the effect—

"That it appears to this House that to provide effectually for the security of His Majesty's dockyards at Portsmouth and Plymouth by permanent fortifications, is an essential object to the safety of the State, intimately connected with the general defences of the kingdom, and necessary to enable the fleet to act for the protection of commerce and the defence of our distant possessions."

The expenditure proposed at that time amounted only to £396,000. What was the position Mr. Pitt occupied at the time? He was quite as popular and powerful as the noble Lord at the head of the Government, and he proposed a Resolution, couched in words such as the noble Lord or the Secretary of State for War might now employ—namely, that to provide effectually for securing Her Majesty's dockyards of Portsmouth and Plymouth, by a permanent system of fortifications, founded on the most economical principles, and requiring the smallest number of troops, was an object essential to the safety of the State, &c. But the House of Commons, who were perfectly willing to be led by Mr. Pitt upon any financial question, refused to be led by him on that occasion; they looked upon the works as not of real necessity; and upon a division the number were 169 to 169, and the Speaker gave his casting vote against the Resolution. Now, there were certain points of similarity and dissimilarity between the state of affairs in 1786 and 1862 which were worthy of observation. As to points of similarity, the

year 1876 witnessed the ratification of a treaty of commerce with France, and the proposition to erect forts of defence against France. The coincidence was singular. Mr. Pitt said he did not hesitate to contend against the frequently-expressed opinion that France was and must be the unalterable enemy of England, and that his mind revolted from a proposition so monstrous and impossible. Mr. Fox, on the contrary, asserted that France was the natural enemy of England, and he voted against the treaty of commerce; and he also voted against the scheme for the defence of the country—such was the spirit of faction in those days. The points of dissimilarity were these:—Mr. Pitt advocated the erection of forts—first, because every experiment tried at that time proved the efficacy of cannon against wooden ships; but the question of guns against iron-cased ships was by no means decided at present; secondly, because the construction of forts would enable him to let loose the navy for operations in every quarter of the globe; and, thirdly, Mr. Pitt said, that in case of invasion of the dockyards, the fleet, owing to winds and tides, could not go to their protection. But the present proposition was based on the supposition that steam had so bridged over the Channel between the two countries, that we were now defenceless against a sudden attack. In 1786 it was considered necessary to fortify the dockyards because of the winds and tides. In 1862 it was alleged to be necessary to fortify the dockyards, because we had overcome the winds and tides. And, lastly, Mr. Pitt argued that forts were necessary, because the country had not more than 21,000 troops, including the militia, available for the defence of the dockyards. But, in 1862, had we only 21,000 men available for that purpose? If they looked to what was done at Brighton the other day, where 20,000 men were sent down in a few hours, they might judge how easily the force that could be concentrated at any point might be made superior to any force that could be landed upon our shores. There was no greater bugbear than this bugbear of invasion; and he was fully persuaded that every farthing spent in preparing against invasion was money thrown away. It was assumed in the debate in another place, a few nights ago, that in case of invasion the invading force would be brought over in wooden ships. Now, he believed that would be perfectly impos-

sible, owing to the destructive character of our new arms of precision. But suppose iron-cased transports were used, the length of time necessary for their construction would give us most ample time to prepare for their reception. Under any circumstances whatever, the embarkment of an invading force, with guns, horses (which could only be embarked in wooden ships, because iron vessels could not approach the shore), and all the material of war, was no easy matter; and could it be supposed, then, that a landing in this country could possibly be effected? In the Crimea, where there was no opposition, it took two days to effect a landing; and it was perfectly notorious, for they had it upon the highest professional authority, that if the landing had been resisted, it could not have been effected without great difficulty and great loss. An argument in favour of forts was used the other night, based upon the successful defence of New Orleans by General Jackson. But this incident told completely the other way, for the resistance offered by General Jackson was perfectly *impromptu*, and was effected by means of cotton bags thrown up at a moment's notice. He had said that he thought these forts and internal defences against invasion useless, but he would go further, and designate them as absolutely mischievous, for they would cause the people of this country to rely on what was utterly unreliable. When the futility of these defences should be proved, the common sense of the country would revolt against the unnecessary expenditure, and any proposition to lay out money on real and substantial defences would then be probably met by a stern denial of the necessary means. He had never scrupled to support the Government when they brought forward the proposition for defences based on experiment and experience. When the fortifications at Cronstadt and Sebastopol had proved powerful against the English fleets, he supported the proposition for fortifications. But now there was evidence that these forts could be passed by ships not penetrable at the present moment, and therefore the Secretary of War was not justified in accusing hon. Members of vacillation, lightness, and inconsistency, because they now opposed this system of fortifications. If they should ever be engaged in a struggle with their neighbours on the other side of the Channel, it would be well for this country to enter upon the

*Mr. Gregory*

contest with unrestrained and elastic resources. War taxes in time of peace were a bad preparation for contest. The noble Lord the Secretary to the Admiralty said, "If you wish to bring your ships victorious out of action, for God's sake keep out the shells." So he (Mr. Gregory), too, said, if the Government wished to bring the country victorious out of the next great struggle, he advised them, for God's sake, in times of peace, to keep out the income tax.

SIR JAMES FERGUSSON thought that in the present discussion some points which deserved consideration had been lost sight of, in consequence, probably, of the speeches delivered the other evening being directed very much to the question of erecting defences at Spithead. It appeared to him that the question now before the House was simply whether they should proceed with the land defences for the dockyards and arsenals. [*Cries of Plymouth Breakwater.*] There was the proposition of the fort at Plymouth Breakwater, but the main provisions of the Bill referred to the land defences of Her Majesty's dockyards. It seemed to him, in the discussion of this question a great many fallacies had been uttered. They had been told that the system of fortifications entailed larger expenditure, increased military forces, and permanent and extensive armaments; that it amounted to a confession of weakness, and involved disregard of the natural and main defence of England—its naval supremacy. He, on the contrary, maintained, that if a vast army could be kept up in this country, no such expense on fortifications as now proposed would be necessary, and they might contemplate without alarm the possibility of the landing of the largest force that could be brought by a fleet to the shores of England. Any sound system of fortifications should entail reduced expenditure and the maintenance of a small army, constituting a cheap insurance of the valuable property of the kingdom. But whether advocating or opposing these forts, all admitted that the maintenance of the naval supremacy of England must be the first element of consideration. To their naval supremacy must be committed the preservation of those imports on which the industry of the country so greatly depended; the protection of the foreign dependencies of England must depend on this country keeping the command of the sea, so as to be able to proceed to their

succour whenever they might be in danger. But the question arose, was the naval supremacy of the country a sufficient protection, and, without fortifications, could that naval supremacy be preserved? Naval supremacy implied that they should have a force able not only to defend the shores of this country from the possibility of invasion, but also able at all times to protect England's important dependencies and military positions; and therefore it involved the necessity of having a fleet able to cope with the largest navy maintained by any other European Power, or with two European navies combined. It was also necessary that that fleet should be at the place where it was required. Since this country was last called on to defend itself by means of the fleet the character of naval warfare had undergone important changes. Naval hostilities in the present day partook more of the character of land warfare than they had ever done before, because fleets propelled by steam could be brought to bear upon a given point with almost as much certainty as armies on land. The effects of a great naval engagement, fought with modern artillery, would be such that one of the fleets at least would not be soon available for service at a great distance from the scene of action. If, therefore, a British fleet were, he would not say defeated, but checked, in any great action, a national misfortune might be impending over us. According to the statements of Her Majesty's Government, this country was at the present moment in a state of inferiority to the greatest military Power of the Continent in regard to the possession of an iron-plated fleet. If the British Government were compelled to send a fleet to relieve Gibraltar or Malta from a naval siege, where would they find sufficient ships to blockade Cherbourg and Brest, and at the same time preserve the Channel from the invasion of the fleets of a hostile coalition? He was surprised to hear it stated the other night that steam gave increased facilities for blockading a hostile port. A blockading squadron must keep its fires constantly lighted, and how long would the coal of a line-of-battle ship last under such circumstances? If they were attacked at a moment when they were short of coal, would they not engage the enemy at the greatest disadvantage? The enemy's ships in a blockaded port, on the contrary, would be fully coaled, and would be ready to run out at a moment's notice.

The House had been frequently told, in the course of these discussions, that this country need never fear invasion. But had we never been apprehensive of invasion? Did not the House of Commons in the last war joyfully vote money for fortifications when the country was trembling under the apprehension of a threatened invasion from France? Were not the fortifications of Portsmouth and Chatham largely strengthened at a moment when there was great risk of invasion? Supposing the British fleet to be either crippled or occupied elsewhere, might not the French—assuming we were at war with France—despatch such an expedition as would threaten us with some great disaster? France possessed large means of transporting troops. He believed that there were not less than 72 steam transports in the French navy, which were able to carry from 1,000 to 1,500 men each, apart from the facilities afforded in this respect by her steam frigates. In the expedition to Rome, France despatched 12,000 men by her steam frigates. If she were able to put 150,000 on board these transports and start them for several distant ports, which might be reached in about four hours, how should we be able to cope with these regular and highly-trained troops? It would be the height of cruelty to send our Volunteers and Militia to meet such forces in the field. The hon. and gallant Member (Sir F. Smith) had said that our regular troops would not like to be shut up in forts, and that they would like to show their drill and discipline in the open field. The French would, however, send their best and most veteran troops on such an expedition, and to expose our Militia and Volunteers, without a great deal more drill and experience than they would soon obtain, before such an army, would be to sacrifice our men in a most extravagant manner. The way to utilize our military strength was to erect such works as would assist our Militia and Volunteers in meeting regular troops. If our fortifications did not effect this object, they were valueless; if they did, we might rest secure, even with a small army, against sudden disaster. About three years back Sir James Kennedy wrote two pamphlets, showing the danger of trusting only to our fleet and the means by which a small army might be made available. He recommended among other measures detached forts a mile apart around London. Now, what was the proposition

of the Government? It was, if he understood, to establish a chain of forts round our dockyards and arsenals—works which would prevent an irregular force hurriedly brought together from being overpowered, and would enable us to have sufficient time at our disposal to assemble our fleet in the event of it being temporarily absent. That being so, he would just ask the House to consider for a moment the case of Sebastopol, to which the hon. Member for Galway (Mr. Gregory) had referred, not as affording an illustration unfavourable to fortifications, but rather in support of the expediency of their construction. Were not our vessels beaten off at Sebastopol, and had not a great authority, General Neil, said that if Sebastopol had been defended by permanent works, it would never have been taken? As it was, the works which had been run up before it during the siege kept at bay two of the greatest Powers of Europe for a year. Sebastopol, it was admitted by all military authorities, had initiated a new principle of defence. It was the great arsenal in which were concentrated the supplies of Southern Russia. It was defended by a chain of earthworks, which earthworks were constructed and enlarged during the defence. He said, therefore, that the case of Sebastopol was a precedent in favour of fortifications. What was the case in America? The works that kept the enemy at bay at New Orleans for a short time were earthworks, and they impeded an advance quite long enough to have enabled an army to have been concentrated. Had New Orleans been surrounded by earthworks which could only have been reduced by means of a siege, and had an opportunity thus been given for the assemblage of troops, could anybody doubt that it would have stood out to this moment? Then, again, it must be remembered that the Southern States of America had no navy, and works had been abandoned in consequence of the navy of the United States being enabled to run up the rivers and cut off the supplies of the garrisons. What we wanted was adequate protection for our dockyards and arsenals, in order that our fleets might come to the rescue when required; but hon. Gentlemen who were maintaining that our fleet should be our only means of defence were demanding for the fleet that which under every circumstance it could not do. These were the grounds on which he supported the proposal of the Government; and he ven-

*Sir James Fergusson*

tured to think, that if we were so protected, there would be a complete end put to the recurrence of disgraceful panics which were unworthy of the country, while our commerce would be secured, our diplomacy strengthened; and if unwelcome war did come, we should found be fully prepared.

MR. BUXTON was sorry to observe that the hon. and gallant Gentleman had spoken somewhat disparagingly of the Volunteer force ["No, no!"]; but no less an authority than the Duke of Cambridge, who had seen something of that force, had, when speaking on the question under discussion a few evenings before, stated that if an enemy were to land on our shores and march on London, the Volunteers, by whom our forts would be manned, might issue from them and fall on the flank of the advancing army; thus showing that in the opinion of so eminent an authority, they were not unfitted to meet French soldiers even in the open field. He might further remark, that he thought it was somewhat inconsistent on the part of the Government to ask the House to spend so large an amount on fortifications, and at the same time to hesitate about spending a few thousands for the purpose of supplying the Volunteer force with clothing every third year. In his own opinion, and in that of every Volunteer officer with whom he had conversed, with perhaps one or two exceptions, that force, if it were obliged for the future to incur the heavy expenses to which it was now exposed, would very rapidly melt away. The prevention of such a result, therefore, was subject which ought to occupy the serious attention of the Government. He might, before he sat down, be allowed to refer to another point which had been mentioned in the course of the discussion—he alluded to the means of transport which might be supposed to be at the disposal of an invading army. Such an army, he believed, everybody concurred in thinking must, to have any chance of success, muster 80,000 or 100,000 men. How, he would ask, was so large a force to be brought over from France? If in wooden vessels, it was quite clear that those ships would be as mere eggshells in comparison with an iron fleet; while, if iron vessels were to be employed for the purpose, it was equally clear that abundant time would be afforded us to prepare ourselves against attack while such vessels were being constructed in sufficient numbers. That was an argument which had great

force on the minds of many persons, and was one to which he hoped the Secretary for War would give some answer.

Lord ADOLPHUS VANE TEMPEST said, he wished to correct a misapprehension that this matter referred to land defences only. The fact was, that this was an ever-changing scheme; at first both sea and land defences were combined in the measure, but in the abandonment of the Spithead forts the Government had given up what, in the views of the promoters of the scheme, might be called the main part of the scheme. He really thought they ought to have more information as to what the precise intentions of the Government were. They were talking of fortifications as if the events of the last few years had brought them no instruction. Was it the defences on the north side of Sebastopol that kept off the allies? It was true that, assisted by the sunken ships and boom across the harbour, Fort Constantine succeeded in keeping the allied fleet out, but would it have done so had the vessels been iron-plated? Were not the defences the Alma earthworks? and unless the flanks of the Russians had been turned, the allied army might have been detained longer in front of those works. The works, again, at Sebastopol, which would always have an historic name, were not fortifications, but earthworks—namely, the Malakoff and the Redan. Then, again, the works at New Orleans were earthworks, hastily thrown up for the occasion; and if they had been defended by an efficient army, the Northeners would never have taken them. The works at Manassas were of the same description, and he could speak from personal observation of their efficiency. He certainly entertained the view that the time had gone by for these expensive fortifications; he thought the Government had done right in not coming to any full determination in respect of the Spithead forts; he believed their postponement would be preparatory to their abandonment; but, whatever was the decision upon them, he protested against these costly land fortifications when the weight of evidence went to prove that the money could be far better spent, and was much more required in bringing our navy up to a proper state of efficiency, and in iron-plating ships for batteries to defend our shores. He implored the House to pause before they expended enormous sums of money upon these fortifications, which, as he contended,

would be found practically useless in case of actual war.

SIR EDWARD COLEBROOKE thought that as the hon. and gallant Member (Sir F. Smith) was opposed, not to fortifications altogether, but only to certain parts of the scheme of the Government, he should have raised his objections in Committee rather than on the present occasion. He therefore hoped that the House would at once proceed to consider the measure, especially as there seemed no room to doubt that a large majority of the House were in favour of fortifications in the abstract. He hoped, however, that the Government would furnish further information as to the present position of the works, and as to the propriety of abandoning a certain portion of them. He was not prepared to stop at once a large series of works which had been recommended by two Commissions, and assented to by a large majority of the House, and some of which were very far advanced; but, at the same time, he agreed with the hon. and gallant Member in condemning the works at Portdown Hill. Even if they were considerably advanced, he believed it would be better to spend money in doing away with them than in completing them, for they would only be a source of weakness. There were a number of important questions just now in suspense which materially affected the principle of our defences. There was, for instance, the question whether the arsenals should be converted into fortifications of great strength, and whether iron ships ought to be built in private yards on the Mersey, Clyde, and Thames, or in the Royal Dockyards. Numerous experiments were also in progress, especially in reference to artillery and iron ship building, since these works were recommended, which materially altered the aspect of affairs. But the naval question must always have precedence over the question of fortifications; because even if we had to rely upon our military means, we must always have vessels to transport them. But the works at Portdown Hill, and indeed generally at Portsmouth, were projected on the most extravagant scale. They would extend over an immense area, and would require an armament of 1,000 guns and a garrison of 20,000 men. Moreover, the position was cut in two by an arm of the sea, so that after all its defence would, in a great measure, depend on our naval resources. Against the sea-works he had nothing to say. It was absurd to

suppose that an invader would land on the coast of Sussex, and attempt by a flank march to acquire a position commanding Portdown Hill. In such a case the enemy would expose his whole flank to the force appointed to defend the metropolis. There was no reason to suppose that that force would be beaten; but even if it were, time would have been gained to throw up works at Portsmouth. Even when a position of attack was gained, some time must elapse before it could be used. In the Crimea nearly three weeks elapsed before the allies could bring up their guns to the position which bore a similar relation to Sebastopol that Portdown Hill did to Portsmouth. His objection to the scheme was that it rested on extreme assumptions. When Lord Overstone was asked what would happen if the Bank of England were taken by an enemy, the noble Lord, rising to the magnitude of the occasion, said it was impossible to trace the result of such an event. So he said it was impossible to trace the result of the army and navy being wholly destroyed; but it was a state of things which they need not contemplate. He thought the House should reconsider its position on this question; and he further trusted the Government would be prepared to give a candid consideration to the details in Committee, and in Committee he should be ready to support the proposal of his hon. and gallant Friend, but at present he hoped he would withdraw his Amendment.

MR. KINGLAKE said, he wished to correct a rather important historical error in the statement which the noble Lord opposite (Lord A. Vane Tempest) had made to the House. It was important because it touched that which was very dear to us—the renown of the British army. The noble Lord represented that the allied armies at the Alma had been successfully resisted by earthworks, and that but for the turning movement our invasion of the Crimea must have failed. In point of fact, the only flank movement which took place at the Alma was a flank movement effected by the French, and in a part of the field where there were no earthworks whatever. There were, however, two earthworks at other points defending the Alma of some importance, and both were successfully stormed by the British infantry. He had no intention of taking any part in the discussion as far as the technical question was concerned. On the contrary, his object was

to submit that this was not a question upon which the House could undertake to come to a decision upon its own authority. He fully acknowledged the value of discussion, and the right of his hon. Friend the Member for Liskeard (Mr. Osborne) and the hon. Gentleman the Member for the County of Galway (Mr. Gregory), entertaining the views which they did, to raise a discussion; but when it came to a vote, the House must rely on some authority. One hon. Gentleman referred to Captain Coles, and another hon. Gentleman referred to some one else. It was evident they were asked to rely on some kind of authority, and it was quite plain that this technical and scientific question could not be decided by the House of Commons. He therefore submitted, that inasmuch as they must be governed by the authority of some one, it was as well—not speaking as a party man—to be governed by the authority to which men used to look in olden times—that was to say, by the Ministers of the Crown. They held the Ministers responsible, and they must look to them for guidance. They were the responsible Ministers of the Crown, and upon technical and scientific matters he looked upon them as the advisers of the House of Commons. If it were true that in the counsel of many there was wisdom, it was equally true that when discision and resolute action were wanted they must look not to many but to few. And, generally, it was found best to look only to one man. What they wanted to guide their decision upon this difficult and intricate question was some responsible statesman upon whose sagacity, sound judgment, and long experience they could rely. It was desirable that it should be a statesman well versed in foreign affairs and capable of penetrating the designs of foreign Powers. It was desirable that it should be a statesman impelled by all imaginary motives to desire economy, as far as economy was consistent with due regard for the public service. He thought that it was of some moment that the statesman to whom they should look for counsel should be one who was not fettered by professional prejudices—one who was not a soldier, a sailor, an artilleryman, or an engineer. He also thought it would be of some advantage if, on looking for guidance, they could find a statesman who was not at the head of the Department with respect to which the expenditure was to be incurred. If these

were the proper requirements, it seemed to him that they had before them the very man whose counsel they could best follow. He could not but think, that if the noble Lord the First Minister were now living in privacy, they would be inclined in the embarrassment brought upon them to do all which they could to withdraw him from his retirement, and to seek him of all men as the fittest to decide for them this difficult question. The noble Lord was the First Minister of the Crown, and he, for one, without undertaking to determine it for himself, was perfectly willing to be guided by the counsels which the noble Lord was disposed to give to the House.

SIR HENRY WILLOUGHBY said, he did not know whether the hon. Gentleman who had just spoken had considered to what lengths his arguments might lead the House—he thought it might be extended to very dangerous lengths. Now, he always understood that it was the peculiar duty of the House of Commons, when a Bill was submitted which involved considerable expenditure, to endeavour to find out the purpose for which the money was to be expended, and he was now anxious to obtain from the right hon. Gentleman the Secretary for War, some information as to the financial effect of the measure now under discussion. Since his hon. and gallant Friend gave notice of his Amendment two very important papers had been laid before Parliament—one an Estimate of the works, and the other a Return of the liabilities contracted. In 1859 the House was called upon to vote £2,000,000 for a specific purpose connected with the defences of the country. That purpose was rather roughly described in a schedule, but he was confident that every Member who voted for the second reading of that Bill understood that he was not pledging himself and his constituents beyond £2,000,000. Now, here in 1862 they were called upon to advance £1,200,000 more, and it was declared in the preamble to the Bill that Parliament "cheerfully grants" the money. Now, the House should remember that the money they were about to grant was, to a considerable extent, the money of posterity. That might be a ground for cheerfulness; but nevertheless the House of Commons of the present day had a duty to discharge in seeing that the money was really required and properly applied. But by the Return to which he had referred, it appeared that

£3,139,400 had already been contracted for, or nearly as much as both the £2,000,000 and the £1,200,000; so that, in point of fact, the engagement was made, and they had merely to discuss what they could not refuse. He wished to ask the Secretary of State whether that was so; and, if it were, what was the use of discussion? There was another question, whether it was fair or just for the Government to come to the House for this £1,200,000, without informing the House that these contracts had already been made? The House was now asked to vote money on account, and what he wanted was that a detailed list of the different works should be given in a schedule, so that the House might be able to decide which should be proceeded with and which should be delayed or altogether set aside. As it was, the House was being gradually led into the adoption of the whole plans of the Commissioners. We had been fortifying this country for centuries, and he wished to know what had become of the money voted for fortifications? The noble Lord at the head of the Government had had considerable experience in this matter, for he must have seen an expenditure of at least a hundred millions on our defences. It was remarkable that after all this vast expenditure there was not a single point which was said to be invulnerable. All our coast, we were told, was open to an enemy. Within the last twelve years we had done what neither Russia, nor France, nor any other military nation in the world had done—we had spent £293,000,000 upon the army and navy, and in the last six years £169,000,000 on our naval and military defences; and yet hon. Gentlemen talked as if the House of Commons had failed to supply means for fortifying the country. He believed, on the contrary, that the House had been most lavish in its votes, but it had been neglectful in not seeing how the money was expended. There were now sixty-nine places upon which money was being spent on account; there was nothing finished. The House ought to select on which of the points the expenditure should be incurred, and should do so on the responsibility of the Minister. There could be no doubt, that if the House voted the sum now asked for, we should speedily get to the £12,000,000 which the original Commissioners declared to be necessary. Here was their bill of fare:—3,761 guns, 64,500 men—£11,809,000; and as sure as fate it would

be reached if not exceeded. "Erect these fortifications," said the Royal Commissioners, "because they will render unnecessary so large a standing army." While the breath was hardly out of the body of the Royal Commission, out came a Report from another set of Commissioners called the Defence Commissioners, who said they would be shrinking from their duty if they did not declare, that if we had the proposed forts, we should want more soldiers. Nothing, indeed, could be more dangerous than to construct an immense mass of fortifications, and then be unable to man them. Supposing 100,000 Frenchmen were to come on our shores—which, of course, they would never do—they would infallibly pop themselves into some of our unoccupied forts, and we might get them out when and how we could. Our first and most urgent want was an iron squadron; and if we had any money to spare, that was the direction in which it should be applied. In the present year the House of Commons had voted supplies for the army and navy larger than those furnished by any other nation in the world—France not excepted—and he believed that what it had done was adequate to meet any emergency. To throw away millions upon enormous ranges of fortifications which would require a vast standing army to man them would be grossly absurd. Let the money already voted be spent in finishing something, and then let all the rest of the works be reserved for further consideration.

SIR MICHAEL SEYMOUR said, he was surprised that such sweeping changes should be proposed in a scheme which was deliberately adopted by the House no further back than 1860. Every nation in the world had expended large sums in land and sea defences. In France all the arsenals were protected by the strongest fortifications they could devise, and the United States, immediately after the war with England, took measures to fortify the coasts. The grave question for the consideration of the British Parliament was, how far they should carry out the system of forts and fortifications. The gallant General the Member for Chatham (Sir F. Smith) argued that a large standing army would be required to man such an extensive system of fortifications; but in the great war with France we had nearly a million of men, including militia, volunteers, sea fencibles, and other similar forces—and in case of need there was no

*Sir Henry Willoughby*

reason why such works should not be manned by some of those gallant forces which did not come under the denomination of regular forces. As to the forts at Spithead, he did not see any great advantage in them, nor any great disadvantage either, so long as they did not tend to create any obstruction in the Channel. A flotilla defending Spithead would certainly be very glad of the aid of them, and an attacking force would be undoubtedly much better pleased if they were not there. They would compel an enemy entering to pass in a particular direction, so as to avoid them, and thus give a certain advantage to the defending flotilla. However, he did not think that we were at all likely in these days to be attacked in our own waters by an enemy's flotilla. Considering the vast increase of our population, as well as of our *materiel* for offence and defence, it was impossible for any reasonable mind to dream that we should ever be disturbed by an inimical army coming either from France or any other country. At the same time it was of the highest importance that, as far as the state of our finances would allow, we should give the closest attention to the maintenance of our iron navy. So long as we possessed an efficient naval force, we could maintain our position as mistress of the seas, and render an invasion impossible; and with regard to blockades, he believed that the introduction of steam would render them unnecessary. In former wars it was not our practice to congregate a large amount of force for our defence in our own waters, we carried on our operations all round the enemy's coasts, and with a sufficient number of ships of the new type, which it would be necessary to have in future, we should be able to carry on our naval warfare in the same aggressive fashion as in former years. The question of defence was very much complicated by the question of ordnance; but, with regard to naval guns, the great desideratum was to get a gun so simple, and inspiring such confidence in those who used it, that there could be no question as to its security and excellence in the moment of action. At present we had nearly twenty different descriptions of naval guns, and the time was come when it ought to be decided whether it was better to lumber up a ship's deck in action with quantities of ammunition of different sorts, or to fix on one particular gun which, though some qualities might be sacrificed in it, would have

the advantage of being the best for general use, and would inspire general confidence. He trusted, however, that the experiments now carried on would result in giving us an arm which would satisfy the requirements of the naval service, and render us as supreme on the seas as we had ever been. The old saying of Sir Walter Raleigh, "Whoever commands the sea commands trade, and whoever commands trade commands the riches of the world," was as true now as at the day it was spoken, and the wealth arising from the commerce of the country ought to make us ever deeply anxious to preserve our maritime preponderance. He should support the second reading of the Bill.

CAPTAIN JERVIS disagreed with the hon. Member for Bridgwater (Mr. Kinglake.) The general principle as to whether there should or should not be fortifications could be discussed as well inside as outside of that House. Two years ago the House evinced its willingness to vote whatever sum the Government thought necessary for the defences of the country. A Commission was then appointed to inquire into the whole question—and he did not know what the Government could have done better. It was composed of eminent and experienced men in the army and navy; they went fully into the subject, and they reported in favour of the construction of a series of works involving an outlay of £10,350,000. The Government, having given great consideration to these recommendations, adopted them. But since had arisen the question as to whether Spithead could not be as effectually defended by iron ships, and the Government had for the present abandoned the construction of the Spithead forts, and many of the inland forts. Comparing the sums proposed by the Commissioners and those now asked for by the Government, there was a decrease of £800,000 for the purchase of land, and of £2,525,000 for the various works. The estimates of the Commissioners had been reduced by the Government as follows:—The Chatham western defences were reduced by £700,000; the works at Woolwich by £700,000; at Portsdown Hill by £250,000; at Plymouth, Saltash by £500,000, and the north-eastern defences from £1,200,000 to £350,000; the Pembroke works by £450,000. The Government might therefore be supposed to have given up most of the inland forts. He

did not think there was much difference of opinion between himself and the hon. and gallant Member for Chatham as to the value of those forts. The question had been asked, how should we able to man such defences as were now considered necessary when constructed? Sir John Burgoynes said, if such works were to be erected in France, he should not have the smallest doubt of their efficacy and of the power to man them properly. Now, he (Captain Jervis) admitted that we could not man all these if we regarded the question from a peace aspect, but he had no doubt that in a time of war we should find plenty of men to man them. In connection with the Spithead forts, a question arose as to the importance of floating batteries. He believed it would be necessary to connect these floating batteries with every seaport of importance—with Malta, Gibraltar, &c., as well as our forts at home. At any time two or three iron-clad gun-boats approaching within a few hundred yards of the shore could shell our works, and we could do nothing in the way of proper defence and resistance unless we had those floating batteries. He quite agreed with the hon. and gallant Member for Devonport (Sir M. Seymour) that our ships ought to be armed with the very best gun that could be produced; but what more could be done than to keep pace with the science of the day? He believed that we were at the head of all the world in this respect. In connection with this subject arose also the question of the enormous increase of expenditure, an increase which went on in proportion with the improvement of our armaments. The Report of the Ordnance Committee of 1848 stated that between 1828 and 1848 the total expenditure for shot and shell was £204,000, and this expense, considered to be a large one, was explained by the fact that between 1839 and 1848 the whole of our armaments had been altered, owing to the introduction of the Paixhain gun. But since 1856 to the present time £17,000,000 had been expended upon our ordnance stores. And that amount was only sufficient to renew our armaments. It appeared to him impossible to disconnect these fortifications from the other sources of defence of this country. Unless they took the strength of our regular army with that of our Volunteers and militia force as the basis for the construction of the forts, they would be only erecting great works which would be totally useless,

and would cost the country a great deal of money without any return.

Mr. NEWDEGATE wished to say a few words on this subject, in consequence of an hon. Member having rather insinuated that he had a fanatical attachment to the scheme of defence now under the consideration of the House. He (Mr. Newdegate) did not believe he had any fanatical feeling in the matter. But this he deprecated to the fullest extent—that the House of Commons, having solemnly decided on a system of national defence, there should appear a disposition on the part of the House, or rather on the part of what he believed to be a small majority of that House, to recede from that decision. True it was that the House had to lament the pressure of distress in the manufacturing districts, and looked on the expenditure, which it was now called on to provide for, but which was decided upon some years ago, with more consideration than when the House came to that decision. But was it to be said that the House of Commons had so little consistency—that the Legislature of England was so light and frivolous on this great question, that a mere temporary emergency in the manufacturing districts should at once alter the decision to which it had come after much inquiry and deliberation, as to the national defences? He believed that the hon. Member for Liskeard (Mr. B. Osborne), when he found that the forts at Spithead were abandoned, found that he had obtained rather more than he desired. The hon. Member appeared to be perfectly disappointed that the Government had conceded that point. And he (Mr. Newdegate) confessed to an equal feeling of disappointment, though for a totally different reason. He did not think that the evidence condemned the system of defence which the Government had begun. But one thing was perfectly obvious. The House were now in a position of having fortified Portsmouth inland, and were to remain something like a year without defence from the sea. He had recently been reading the *Life of the Duke of Marlborough*, and he could not avoid being struck by the analogy which existed between the action of the hon. Member for Liskeard, and the interference of which Marlborough had such reason to complain on the part of the Dutch Commissioners. They interrupted every operation, and it was only by the greatest possible exertion, and not always successfully, that he struggled

*Captain Jervis*

against interference on their part, which, yielded to, would have been positively fatal to his designs; it was only when those gentlemen were virtually superseded that he was able to operate with any effect. It appeared to him (Mr. Newdegate) that the present position of that House was not satisfactory to the country; for its interference had, as it appeared to him, rendered the fortifications round Portsmouth rather a source of danger than of defence, owing to the uncertainty which prevailed as to the mode in which the entrance from the Channel to the port was to be guarded. His objection to this hesitation and proposed change of plan rested entirely upon naval grounds. One thing was certain—that at present we had no adequate supply of mail-clad ships. Another thing, also, was certain—one Power on the Continent was more advanced than ourselves in that supply. But beyond this, suppose it were decided to defend Portsmouth with these vessels, and we were in danger of an invasion, let the House consider for one moment the state of terror that would prevail in every commercial port in England; let them consider the pressure upon the Government, the pressure upon the naval authorities, to send iron-clad vessels to the protection of every commercial port. Probably there would be great uncertainty as to the point of attack. If we relied on iron-clad vessels for such protection, such would be the pressure of the demand that in all probability many of these vessels would be withdrawn from that arsenal at the very period when their protection would be most needed. Now, there was this in favour of forts, that they could not be removed. Though we had maintained our superiority with wooden ships, the balance was rather against us, as compared with France, so far as iron vessels were concerned; and as he conceived it improbable that that balance would be for some time redressed, he, for one, had heard with the greatest possible regret, that Government had thought fit to postpone the construction of the forts at Spithead, which, even if insufficient by themselves, would, at all events, have diminished the demand of Portsmouth on our scanty fleet of iron-clad vessels. He did not think there was anything in present circumstances to render invasion more improbable than two years ago. Were we to consider that for the future wooden vessels were useless? In that case our effective navy was reduced to our iron-clad vessels. It was notorious, that

if this were the fact, we had no preponderance on the ocean. Take the other case of wooden vessels. So long as neither England nor any of the great Powers of the Continent were furnished adequately with iron-clad vessels, why, then, the position remained the same as before. But we had a preponderance of wooden vessels, endangered by the introduction of these mail-clad steamers. What was there in those circumstances which should render invasion one whit more improbable than it was two years ago? He admitted the force of the argument of the hon. Baronet the Member for Evesham (Sir Henry Willoughby). The House ought to insist upon full accounts being furnished, and that works such as those at Portsmouth should not be left incomplete—because there was an old saying that “fools build houses and wise men live in them;” and it appeared to him that we had rendered the present position of Portsmouth most dangerous—more dangerous to ourselves, if possessed by an enemy, than when unfortified, and that we were bound to adopt any means, whether by fortifications towards the sea, or by some other means, to close the port against an enemy. Believing invasion possible, it was his firm conviction that Government were fully justified in undertaking these fortifications. The progress of modern agriculture had rendered the whole face of the country much easier for the operations of an invading army than it was before. The country was far easier to traverse than of old; the roads were multiplied, and they were better; and it would be far more difficult to intercept an enemy. Besides this, the experience of the American campaign had shown that it was not so easy for 50,000 or 100,000 men to break up a railway, so as to render it totally useless to a pursuing force, as had been conceived; that injury to a railway might be repaired by the exertions of a like body of men much more rapidly than was formerly conceived; for the labour of years expended on the construction of a railway could not be annihilated by the sudden action even of a powerful force. Thus, although one army might partially break up railway communication, another army could restore it, not, it was true, to be so safe or so convenient a mode of transit as before, but still so as to render it available for the purpose of conveyance in a period deemed impossible before the experience of the American campaign had been

acquired. Therefore, we still had before us this fact—that, internally, this country was relatively much weaker than it was; that if a force were landed on our shores, the means of communication which were boasted on one hand as affording the opportunity for the concentration of our forces might, on the other, be turned against us, and that, too, just as it might be our object to gain time. All these facts, then, combined to prove that the internal defensibility of this country was much less than it was; and he rejoiced to hear the highest military authority state the other day, in another place, a justification of the expenditure which had been incurred on the fortifications of Portsmouth and at Dover—a justification which he (Mr. Newdegate) fully expected, but of which he was not certain—namely, that the fortifications of those two *points d'appui* formed part of the scheme which the late Duke of Wellington left as a legacy to his country for the defence of the Capitol. After that statement he hoped we should no longer be told that those fortifications would be worthless. We had the highest possible authority for believing that those places formed part of the system of defence recommended by the great hero, the details of which the Government would forgive him for saying he thought they would do well to develop more clearly to the understanding of the House of Commons. If the noble Lord at the head of the Government intended the House to proceed calmly and deliberately to support him in establishing an adequate system of defence, he would do well again to convince the country that they were not wasting their money upon scattered fortifications, half complete in one direction, and unfinished in another; but that, taking the fortifications one by one, the House and the Government were, in a business-like manner, step by step, completing the task which the country, so far as this great question of national defence was concerned, had sent their Members to the House to perform.

MR. AUGUSTUS SMITH said, that in his opinion the hesitation of Parliament on this subject arose from the original question not having been fairly brought before the House and fully discussed. Important documents had only very lately been put into their hands; and he referred in particular to the Return which had been laid on the table that morning, which showed that in this matter the

House of Commons was called upon to be the mere registrars of the acts of the Government. The course pursued by the Government in entering into contracts had been most unconstitutional. If the Government had the power to make these contracts, the House might as well give up what power they might be supposed to possess. Had the Government power to enter into contracts before the Votes were agreed to? Was Parliament merely to register the decisions of the Government? Having got the £2,000,000 voted two years ago, they at once bought or contracted for all the land comprised in the scheme; and by beginning a variety of the projected works put themselves in a position of saying to the House of Commons, "We have commenced the work; and if we don't proceed, there will be so much money thrown away." The contracts entered into included not only the £2,000,000 voted in 1860, but forestalled all the money for which Parliament was now asked. Nearly all the Gentlemen who had addressed the House seemed to take for granted that it was in the power of the enemy to invade this country; and he was glad to hear a gallant Admiral "pooh-pooh" the idea that an enemy could easily effect a landing on our shores. The conclusion at which he arrived two years ago, and which induced him to vote in the minority of thirty-nine against the Bill of that day—"the Thirty-nine Articles" they were called, and he believed their orthodoxy would one day be established—was based entirely on the Report of the Commissioners. They said the mode of warfare was so altered that the next war must be most destructive; that such must be the nature of a conflict on the seas that even victory would be nearly tantamount to a defeat. There was but one country from which an invasion could come, and in that country there were only two ports where an armament could be collected for the purpose. In the event of war, we should have fleets which would watch those ports. In short, he looked upon the idea of invasion as quite chimerical, and hoped the country would not consent to the building of any more forts.

SIR JOHN HAY said, that the opinion of the House had been formed upon the suggestion of the Government that these fortifications had been recommended by the Defence Commissioners for the defence of the country. But that was not the case. He had been examined as a witness

before the Commissioners, and he had ventured to reply to some questions by asking others. One of those questions directed the attention of the Commissioners to a point which had already been mentioned in that House—namely, that if an enemy were to land upon our shores, would he not march straight upon the capital without wasting time in attacking the outports? He also ventured to say, that if there were to be a great outlay for the defence of the country, the plan recommended by the hon. Member for Ayrshire (Sir James Fergusson) appeared to be the plan which ought to be carried out first. But, said the Defence Commissioners, "the defence of the country is not referred to us; we are required to report on the defences of Dover, Portsmouth, Plymouth, Devonport, and Cork." The Defence Commissioners had not received fair play. The whole onus of these recommendations had been thrown upon them; but the question of the defence of the country, which was the question before the House, was not referred to them. They had been desired to report upon the defence of certain points, and they had reported what they considered necessary for the defence of those points. Before proceeding further with this measure, the Government ought to state how it was they called upon the House to vote large sums of money for the defence of the country upon the authority of the Commissioners, whose Report did not at all apply to that subject? He would not go into the question of the defences for the outports. In his evidence he had expressed his objections to the substitution of forts for ships, and he would only now call attention to the fact that our navy was not in a proper state of preparedness; that the vessels we had were not the proper class of vessels required for the defence of the country; and therefore it was the present duty of that House and the Government to apply all their energies to the effectiveness of our first line of defence.

SIR GEORGE LEWIS: The Amendment which the hon. and gallant Member (Sir F. Smith) has moved is substantially for Returns of certain facts which have already been reported to the House, and which are now upon our table. The hon. and gallant Member proposes that there should be laid before the House Returns showing the original and every subsequent estimate for each work recommended by

the Defence Commissioners. There is upon the table a Return of the estimate for each work that has been adopted by the Government which is either in progress or in contemplation. That furnishes the substance, and more appropriately than the words of the Amendment, of the information he desires to have. The hon. Member then asks for "the amount of every contract for each work." That has been already returned. Then he wishes to know "what proportion of each work is completed;" and his Motion concludes with asking "what inconvenience or injury to the public service would result from the postponement of any of the projected works." Now, it is competent for an hon. Member to call upon the Government to produce facts which may be in their possession, but it is not a usual, nor, as I think, a desirable practice to call upon them to express opinions in a Return. The question whether inconvenience or injury would result is not a fact, but a matter of opinion, which may be debated in the House, but which cannot be reduced to a numerical form, or properly stated in a Return. I think the House will see that so far as it is possible to comply with the Returns asked for, the information sought is already upon the table, and therefore it is not in my power to assent to the Amendment. But there are certain other points to which attention has been called in the course of this debate. There have been two objections made to the course of the Government. Upon the one hand, it is said that the attention of the Government has been too much limited to particular localities and to particular works, and that they have not taken a sufficiently comprehensive view of the defences of the country; that the defences of the country was not a question that was referred to the Commissioners; that they only reported upon the best mode of defending particular arsenals and ports, and not upon the general defences of the country. I am unable to distinguish between the country and the most important places in the country which require defences. Because, what is the country? The country is made up of those places which are most easily attacked and in which the most valuable property—those means and instruments which are most efficient for defence are to be found. Those places are our naval arsenals, and it is impossible to distinguish for practical purposes between the defence

of the country and the defence of our naval arsenals. Therefore I cannot admit the force of the objections, that the Government have taken too narrow a view, in limiting it to particular spots. Then, on the other hand, it is said that they have exceeded their powers, inasmuch as they have extended contracts beyond the limit fixed by the House two years ago. The Government have acted upon the usual practice in respect to continuous works for which Votes in Supply are made. They have not paid away money in excess of the grant of £2,000,000; but, as the Returns show, they have not expended the £2,000,000 for which credit was given. But in works of this kind, where a large estimate is made at the beginning, and where a grant is made by the House avowedly in the nature of an instalment or portion only of a larger sum to be hereafter voted, it is the invariable practice of the Executive to make the contracts in the form which would be most advantageous to the public service, although they may somewhat exceed the exact amount actually granted. ["No."] An hon. Gentleman says "No," but I can assure him that that is the constant practice in regard to public works for which annual Votes are taken in Committee of Supply, and that the contracts are not limited to the precise sum for which credit has been already voted. The practice followed in the case of the present works has in no respect been less strict than that followed in the case of works executed under Votes taken in Committee of Supply. Under these circumstances, I trust the House will see that the ordinary rule has been adhered to, and that there is no reason for censuring the Government on account of the course they have adopted. With regard to the form of the Bill itself, it gives the House exactly the same opportunity of discussion and the same information as is afforded in Committee of Supply. The Returns now on the table are precisely in the shape in which Returns are presented as the foundation of Votes in Committee of Supply. But when the Appropriation Act is passed, the different items are collected together into one vote; and the practice in respect to tying up the hands of the Government is exactly similar, and by no means more strict than it is in respect to the schedule of this Bill; because the schedule of this Bill, when it becomes an Act of Parliament, is an ap-

propriation of the sums mentioned in it to the different places set opposite each name. For example, all the works under the head of "Portsmouth" must be executed out of the money set against the name of Portsmouth. And if that money were voted in Committee of Supply, the different items would be collected in one Vote under the head of "Works," and there would be no separate appropriation except the Appropriation Act for the different places to which those sums apply. Therefore, in fact, the practice is more strict under this Bill than if the money were voted in Committee of Supply. An observation was made by an hon. Gentleman as to the probability of invasion in consequence of the introduction of steam connected with iron-plated vessels. Now, it is impossible to lay down any abstract principle with respect to the liability of this country to invasion. It was remarked, I think, by some hon. Gentleman that we had a greater facility for repelling invasion through our power of sending large bodies of men to a given point of our coast by railway; but then it is to be remembered that that power equally applies to the enemy. The enemy has also the means of massing his men in the interior, and of bringing them down to the coast at a short notice, so as to deceive and mislead the Power on whose shores he wishes to land. As to a squadron of wooden transports having to cross the Channel, no doubt, if you suppose that an iron-clad steamer ran in among them, they would be exposed to great danger of being destroyed. But if such a squadron were to cross the Channel, they would probably be convoyed, and they might have vessels as strong and as well-plated as their opponents, and with equal chances of escaping unhurt. It seems to me, therefore, when you consider the facilities afforded by steam, coupled with the narrowness of the Channel, that it is impossible to lay down any general principle as to our liability to invasion. It is a matter the chances of which each hon. Gentleman must calculate for himself; but I think it would be extreme confidence and rashness to deny the possibility of our shores being invaded by a considerable armed force. I believe I have now adverted to the principal topics of a general nature that have been touched upon in the course of this debate. It was stated by my noble Friend (Viscount Palmerston), in the remarks he made on a former even-

ing, that the Resolution to which the House agreed was, in fact, merely the foundation of a Bill, and would not pledge the House to any approval of its principle. We have now reached the stage when the House is asked to assent, not to the details, but to the general principles of the measure. Those hon. Members who think it advisable that the plan solemnly sanctioned by the House two years ago should continue to be acted upon will give their votes in favour of the second reading of this Bill. Those who think that that plan should be at once abandoned will give their votes against it. As to individual works and individual forts, upon which remarks have been made to-night, I believe I should be exceeding the proper limits of debate on the second reading of a Bill if I were now to enter upon those questions. The Committee is the fitting occasion for the discussion of such details. I trust the House will therefore be inclined to agree, without further delay, to the second reading of this measure, and will reserve for the next stage the consideration of those more minute and particular points which will then come more properly under its examination.

COLONEL SYKES could not give his assent to the second reading of this Bill. He did not object to our docks and naval arsenals being fortified against a *coup de main*, but he did object to the multitude of fortifications proposed, comprising seventy separate works, the estimate for which was £5,680,000! Moreover, it seemed to him, as an old soldier, that as we had hitherto dispensed with extensive defensive works, it was unworthy of the descendants of the men who fought at Crecy, Agincourt, Ramillies, Blenheim, Waterloo, and on a hundred fields in India, that it should now be thought necessary to stand behind stone walls to defend ourselves against any enemy. Moreover, we already had more fortifications than we had soldiers to man them, and it was most impolitic to increase the number of such works. The proposed lines at Portsmouth alone would require 30,000 men to defend them, and the lines at Plymouth would need as many more; and it might well be asked how the other works were to be manned. Again, the proposed fortifications were unnecessarily expensive, and for many of them the Maximilian tower might be substituted. The city of Lintz, on the Danube, was defended by a succession of

these isolated towers, each of which was sunk within a ditch, covered by a *glacis*, and nothing was visible above it but a small part of the parapet. These towers, armed with a couple of traversing Armstrong guns, would command a distance of three or four miles: each could only be taken by regular approaches and by throwing the counterscarp into the ditch. Hon. Members might form their own judgment of their value by inspecting models both of the towers and of the defences of Lintz, in the Museum of the United Service Institution. Such works would not cost one-twentieth of the expense, and would be ten times more efficacious than the fortifications now under discussion. No enemy would attempt to invade this country with less than one hundred thousand men, and such a force could not be transported, with all its accompaniments, in fewer than one hundred large ships. We knew in this country everything that went on in France. It would be impossible, therefore, for the French to make any great preparations without Her Majesty's Government being informed of them; so that even if we had no fleet in the Channel at all, we should have time to collect one after hostile preparations had been commenced. But why should we be without one? We had always been able to command the Channel, and could do so still. Under these circumstances he should vote against the second reading of the Bill.

COLONEL DUNNE said, he would not vote for the second reading if he believed that by so doing he was pledging himself to the plan of the Government in its entirety; but he did not take that view. The House had never pledged themselves to a particular plan. All they had ever gone the length of saying was, that they would grant any money which they believed to be necessary to provide for the defences of the country. The plan now before them might be a good one or it might be a bad one; but he should like to see it supported by a greater weight of authority. A plan supported by the opinion of the most eminent military men in the country would command confidence, and would receive the approval of the country. Isolated defences for particular localities were matters for the consideration of engineers. The House of Commons was not the place to discuss military details; and there was no general plan before them for the defence of the country.

He had put on the paper an Amendment, asking the House to recommend the Government to appoint a Commission, composed of the best officers in the country, of men of the highest reputation. At that late hour he would not move his Amendment; but he believed the course it proposed was the only one which would give satisfaction to the country; and he therefore hoped the noble Lord at the head of the Government would consider the propriety of getting a general plan of defence prepared under the authority of men like Lord Seaton, Lord Clyde, Sir Hew Ross, Sir John Burgoyne, and other officers of their high reputation. He did not by any means wish to underrate the talents and opinions of the members of the Defence Committee; but he thought better opinions than theirs might be had. A great deal had been said about vertical fire, but to his mind the effect of such firing at one thousand yards was exceedingly problematical, for we had no actual proof that its effects were such as some hon. Gentlemen seemed to suppose. Further inquiry on that subject, by competent authority, was necessary. He thought that the experience during the Russian campaign showed that an immense number of shells might be thrown into a city without doing much damage. One main objection to the fortifications now proposed was, that they did not purport to be designed upon a plan for the general defence of the country; whilst in his opinion every defence of a particular spot should form part of some general system of defence. It would be out of the question to fortify the whole country at a cost proportionate to that now proposed to be incurred for harbours on the south coast. If it should turn out that the effects of vertical fire were such as were expected, we should then have to form our dockyards in deep estuaries, and it would be useless to spend money on a place like Portsmouth. Though he should not trouble them with the Motion of which he had given notice, he did hope that the Government would take an opportunity of consulting eminent military men as to some general plan of defence.

MR. GRANT DUFF suggested whether the idea of making dockyards bomb-proof might not be worthy of consideration.

MR. HUBBARD said, his objections to the Bill were based on grounds of a different character from those stated by other

hon. Members—he objected on financial grounds. The Bill of 1860 provided that the Government should have power to borrow sufficient money upon terminable annuities, whereas they had never borrowed one farthing upon such annuities, and they never would so long as the income tax existed; for capitalists would not lend their money to be confiscated by such a tax. Not getting the money from the capitalists, the Government had taken it from the savings banks, and it was right that the country should know this. On a former occasion the Chancellor of the Exchequer avoided the point of what he said as to savings banks money, by saying that there had been a mere transfer from the buying account to the selling account; which was one of those convenient operations which were always within the power of a Chancellor of the Exchequer, who had £40,000,000 of money belonging to savings banks; but, in truth, it was a most dangerous power to leave in the hands of a Finance Minister. If there was any real intention of paying off a loan in a term of years, there were only two means of doing so—either to make it repayable by annual instalments, capital and interest, or to do with respect to terminable annuities what they had done in the case of the loan to the landed proprietors in 1853. He wished the House to understand, if they passed this Bill, they would give their sanction to a further application of savings banks money to the fortifications of the country.

MR. WHITE said, there was one great point which had been overlooked in the present discussion. It was admitted on all hands that we were in a transition state as regarded our means of carrying on maritime war. For a long time we had had recourse for the manufacture of the steam-engines of our navy to private firms; it occurred to him that the hulls also should be built by private contract; and if that were done, there would no longer be a national necessity for such an accumulation of stores and naval requisites as we had now in our dockyards, and therefore it would cease to be a matter of vital importance that we should incur enormous expenses for fortifying our dockyards and arsenals. There was, however, great repugnance to abolishing the establishments in the dockyards, on account of the vast patronage which they placed in the hands of the Government. Fortifications had never yet preserved any country. On a

former occasion he had been reminded by the noble Lord that many fortifications had been erected on the Continent since the great European wars. He had taken the trouble to go through the statistics of the matter, and he found that there was not a single fortification now in existence which did not exist before those wars, though some of them might have been improved. There was another reason, however, why he should vote against the Bill. The preamble recited that they "cheerfully granted" £1,200,000 for those works; but as that was not a true statement as far as he was concerned, if he stood alone he would take the sense of the House against the Bill.

SIR MORTON PETO said, it seemed to be assumed by the supporters of the Bill, first, that we had lost the command of the Channel; and, secondly, that the enemy must come to the forts to be attacked. If he looked back to the year 1855, when an adjoining country, taught by actual experience, ceased to expend any more money upon useless ships, while our own country afterwards spent in seven years £80,000,000 in what was acknowledged to be a useless manner, he thought there was some cause of alarm. But, on the other hand, if he looked to what might be done by the Government if their energies were properly directed, there could not be the slightest doubt of our ability to retain the command of the Channel. With respect to invasion, had the House forgotten the difficulties which the allied armies experienced in landing at Eupatoria, in the beginning of the Crimean war; and if the enemy had been on the alert, and had attacked the transports with one or two vessels, how very different the result of the expedition might have been? Looking to France, with only two ports which we could have any reason to dread—Cherbourg and Brest—if the vigilance, the bravery, and the ability of our fleet in past years were to be taken as a criterion, assuredly we should be able to watch those places and prevent a surprise. With regard to the question of the forts themselves, we had the evidence of Sir William Armstrong to the fact that we had no gun at present which would produce any effect upon an iron-plated ship at more than 200 yards; and therefore they were now asked to spend a sum of money which might be absolutely thrown away. He contended that these forts could not be considered the defences of the country, but merely

the defences of small and isolated portions of the country. The Secretary to the Admiralty had said that those who were called upon to vote against the second reading were called upon to vote against the solemn Resolution of the House last year. His complaint was that they had had no solemn Resolution of the House last year, and he therefore felt they were right in now debating whether they were justified in making this addition to the expenses of the country without looking into every individual item. In the debate in another place Dover had been referred to. What was the state of things with regard to Dover? At the present moment whatever fortifications we might have there, an enemy could approach within a sufficient distance of the Admiralty pier to batter it down, while with all our fortifications and all our entrenched camps we could not touch their vessels—a vessel might come even within 300 yards of the pier and we could not touch her. Besides, it was admitted that these forts would not diminish the number of the floating defences, and therefore he could not see how they would conduce to economy. With regard to Portsdown Hill, he would ask the House if they had forgotten Torres Vedras and the Crimea, where large works had been executed in so short a time? He believed, that if ever the country was in peril of invasion, a series of earthworks could be constructed on Portsdown Hill perfectly sufficient to repel the assault of any foreign army. He really did not see, therefore, why the House should now feel itself called upon to expend a large sum on fortifications intended to protect a dockyard of which no one could predict the future; and this, let him say, was a most important matter. Those were the most important points to defend which were the most intimately connected with the resources of the country, and Portsmouth could never be one of them. If, however, they fortified it on the scale proposed, where were they to obtain means to defend the Mersey, the Clyde, the Thames, the safety of which would really be of the most vital consequence to the country? If 80,000 or 90,000 men were placed in the forts and lines of circumvallation proposed, it would be impossible to allot the requisite number of troops to other parts of the country. Again, he would remind the House that nothing was proposed for Scotland, and nothing for Ireland, save at Cork. Let him recall to

their recollection that there were 300 miles of coast on which a hostile landing could be effected, and they must see the folly of lavishing the resources of the country upon one or two isolated points. Then, again, let them consider the present condition of naval gunnery. No one respected Sir William Armstrong more than he, but still he could not forget that the country had spent under Sir William's direction no less than £3,000,000 on new ordnance, although up to 600 yards the old 68-pounder was admitted to be superior to Sir William's 110-pounder. He had no hesitation in saying, that if a war broke out to-morrow, Sir William Armstrong's ordnance would not be that which would be recommended by the noble Lord (Lord C. Paget) for the broadside guns of our fleets. He would admit that the House was bound to defer to the greater authority of military and naval Members, but his opinion had been corroborated by those of the hon. and gallant Members for Chatham and Wakefield. The House ought, therefore, to hesitate before it voted money for the objects proposed by this Bill.

LORD CLARENCE PAGET said, that nothing was more fallacious than the argument that because the Government was largely availing itself of the skill and enterprise of private shipbuilders, the Royal dockyards were therefore becoming proportionally useless. They were required for fitting, refitting, repairing, and docking ships and repairing their engines, which every one knew easily got out of order and required great care. Government dockyards were, in fact, more necessary than ever; for just in proportion as the navy became a steam navy, the ships required more docking and repair. The hon. Member for Finsbury (Sir M. Peto) was one of the great advocates for iron ships; but they required more docking than any others. His hon. and gallant Friend (Colonel Sykes) had found fault with the forts on Portsdown Hill, and said the Government ought to build Maximilian towers. But Bomarsund had been taken in the last war because it had been defended by isolated towers. As soon as one of these was taken, the whole place fell like a pack of cards. He believed that engineers had altered their opinion with regard to the merits of these isolated towers. Our dockyards had always been fortified. Portsmouth had been fortified from the most ancient times,

and had always been made safe against enemy's ships. He trusted the House would not be led away by any arguments against rendering Portsmouth secure. As the range of artillery was extended, so it would be necessary to extend the system of fortification, if they wished to secure the safety of the Royal dockyards and arsenals, and he was confident Parliament would not refuse whatever was necessary for meeting the altered requirements of the times.

VISCOUNT PALMERSTON: I cannot allow the House to go to a division on the second reading without making a few observations on some of the objections urged in the course of this debate. In the first place, as has been stated by my right hon. Friend the Secretary of State for War, the necessity of fortifying our dockyards was deliberately and solemnly affirmed by the House two years ago by a very large majority; the House, therefore, is not taken by surprise, as has been stated by some hon. Gentlemen. But the House will recollect that the principle of this Bill was urged upon the Government two years ago. It was advocated by the right hon. Gentleman the Member for Stroud (Mr. Horsman) in a very eloquent speech, and the House was only satisfied by a promise on the part of the Government that they would take the matter into their consideration, and that they hoped to make a proposal on the subject in the following Session. The principle, therefore, was deliberately affirmed by the House; and if the House should now go back from it, and declare that it is not necessary to continue these fortifications, they would be reversing that which they deliberately affirmed two years ago. The hon. and gallant Gentleman the Member for Wakefield (Sir John Hay) has complained that that which was referred to the Commissioners was not the general defence of the country, but only the defence of these dockyards. The hon. Gentleman the Member for Finsbury (Sir M. Peto) also complained that we do not ask for money wherewith to defend the country. We do not pretend to fortify the country. No one pretends to surround the island with a wall of defence, or to make fortifications whereby to defend the whole country. A plan for the defence of London has been proposed, but we have not adopted it. The country and the capital must be defended by men—by troops on the field, and by battle; and I do not doubt that that defence would be

*Sir Morton Peto*

very complete if the necessity ever arose. But that which the House appeared resolved on even before we made our proposition, was to defend certain vulnerable points on which the existence of our navy, and therefore of our maritime superiority depends—the dockyards. All these defences are simply to defend the dockyards. They might be defended either by men alone, or by men and fortifications combined; but if you defend them by men alone, then you must have a much larger force to meet the enemy in the field than would be sufficient behind fortifications. An hon. and gallant Gentleman (Colonel Sykes) has stated that the volunteers and troops of this country would never skulk behind walls and fortifications, and that we should meet the enemy in the field. That is all very well if you are equal in number; but when you have a very small peace establishment compared with the establishments of other countries, and when you are liable to meet an attack suddenly and before you have time to augment your establishments, and put them on the footing necessary for war, then it is no disparagement to the bravery of our troops to say that it is fair to give them the advantage by which science and military art make a small force equal to a greater. These works are of two descriptions. Some are for the purpose of meeting attack from the sea; others for the purpose of meeting attack from the land. Now, some Gentlemen say that it is absurd and nonsensical to think of invasion. With all respect and deference to them, that opinion seems to me most nonsensical and absurd. Why, really, can any man who respects his audience gravely tell the people of England that invasion is impossible? Look at the history of this country. Few countries have been oftener threatened with invasion than this island. We were in great danger of invasion in the time of the late war with France, and I believe that nothing saved this country from invasion then but the battle of Trafalgar. It is said that you cannot be invaded, because no enemy could land a large force within the given time. What did the French do, about three years ago, when a large body of men was sent to Italy? Of course hon. Gentlemen recollect the rapidity with which that large force was despatched from Toulon and Marseilles, and was landed with the utmost facility, together with all their guns and ammunition. Then it is said that it

is all very well to land in a port, but that landing on the coast is a very difficult operation; and that when we landed in the Crimea, if there had been a few guns to resist us, the landing could not have been effected. If that is the case, then I say give us the guns to defend the places likely to be attacked, and do not disparage the forts placed in a position to prevent the landing of an enemy. People talk of 100,000 men landing; but it is not necessary to land 100,000 men in one place to destroy the dockyards; for supposing Portsmouth to be open, then, if 20,000 men were landed there, 20,000 at Plymouth, 20,000 in Ireland, and 20,000 made diversions elsewhere, I should like to know whether, considering the small garrisons put into those places unassisted by works, the dockyards would not be destroyed, and with them all our power at sea to defend the commerce and coasts of the country. The greater part of these works are for the purpose of protecting the dockyards from an enemy landing in the neighbourhood and attacking them by land. As to a force landing at Chichester, and performing a long and laborious march to the top of Portsdown Hill, that, it is said, no person could think of. Those who argue so had better leave these questions to be decided by military authorities, and they will not take that view. It has been said that we are safe from any attack, because the attack could only come from two places—Brest and Cherbourg. Is there, then, no such place as Toulon or L'Orient, and are the two former ports the only ports from which a hostile fleet could sail? It has been said that the application of steam power on board of vessels has made the blockading of a foreign port more easy. On the contrary, it has rendered it infinitely more difficult and uncertain, because the ships of the blockading squadron must be perpetually returning to this country to replenish their coal. They carry coal for about ten days; and the force must, of course, be of such an amount as to make allowances for vessels coming here and going back again. On the other hand, the ships watching to break the blockade, being propelled by steam, are independent of the weather and of tides; and, seizing their opportunity, might come out in the evening, cross the Channel in the course of the night, and be upon our shores next morning. Steam therefore, instead of giving facil-

tie for blockades, only gives facilities to the blockaded force to come out and reach the place it intends to arrive at. Then some hon. Gentlemen think the works at Portsdown Hill unnecessary. On the one hand, they say that the works are founded on antiquated notions, and that all the improvements which have been made in artillery and in the instruments of war are overlooked. Now, our works are precisely founded on principles connected with the improvements in the art of war; and Portsdown Hill offers an example of this, because in former times the dockyards could scarcely be damaged from it, but in consequence of the new range of artillery it has become a position whence an enemy might destroy the dockyard. Some hon. Gentlemen maintain that field-works would be sufficient, and mention has been made of Sebastopol and other places in connection with this subject. Field-works are good things, undoubtedly, when there is a large body of men behind them; but field-works, as military men know, can be assaulted and run into, and there requires to be behind them a force nearly equal to that which attacks them. But when you have counterscarps and *glacis*, and the other arrangements of fortified places, you cannot take them if at all well defended; and therefore, if you want a small number of men, less disciplined than the attacking force, to maintain themselves in any position, you must give them all the advantages which science supplies in the art of defence. With regard to Sebastopol, it should be recollect that there was an immense army behind Sebastopol, as large or larger than the attacking army, and each party took about three weeks to prepare. Now, if an attack were suddenly made on any of our ports—on Portsmouth or Plymouth—I do not think that the enemy would give us three weeks to prepare our defences. We must have them ready beforehand, and therefore it is vain to say that field-works would stand in lieu of fortifications. You would not, in a case of emergency, have time to make them; and when made, they would not give the same advantage to a force less disciplined than the attacking army as fortifications. My hon. Friend who spoke last (Sir M. Peto) said that we ought to abandon our dockyards; that they are unnecessary, and that we ought to have nothing but iron ships, and that these are best constructed in private yards. I have

heard the example of America often quoted as a model for imitation in this country; and it is but very recently that the Government of America announced their intention of establishing great naval arsenals on the Mississippi and elsewhere for the construction in Government arsenals of iron ships. They distinctly stated that they did not wish to trust to private enterprise for the purpose. We do not follow that example in all respects; but as my noble Friend (Lord C. Paget) has stated, building a ship is one thing and keeping it in repair another; and that though you can build in private yards, you cannot send ships to private yards from time to time for repairs. I will not now enter into the details of these fortifications, as they will form the subject of discussion in Committee; but I hope the House will not be so forgetful of the public interest, and so unmindful of its duty, as to refuse to give a second reading to a Bill, the object of which is, not to defend the country, but to defend these dockyards, which are essential to the maintenance of our navy—that navy being necessary, as is admitted by everybody, for the existence of the country as an independent nation.

**MR. BERNAL OSBORNE:** Having so recently troubled the House on this subject, I should not on the present occasion have spoken a word; but the noble Lord has made a speech so "horribly stuffed with epithets of war," that I feel I should not be doing my duty as a Member of the British Parliament if I did not say a few words. It seems to be always supposed that any hon. Member who differs from the plan brought forward by the Government is insensible to the propriety of adequately defending the country. Now, at the outset, I wish to set myself right with the Government, this House, and the country, and to state that if I thought the country was in peril, and that the plan of the noble Lord (for it is more his plan than the Commissioners') would afford a good defence for the country, I, for one, would not grudge one penny of the money, but would be prepared to vote whatever was required. However, it is because I believe this plan to be bad and ineffective for the purpose that I am mindful of my duty to the country, and take exception to a very great portion of the plan. It has been assumed that we are only discussing the forts on Portsdown Hill; but, if I understand the Bill, it provides also for the

marine defences, not at Spithead; but at Plymouth. Hon. Members have discussed the subject as if there was to be at that place only one fort behind the breakwater, but there are really no less than eight forts, which we are about to adopt by passing the second reading of this Bill. I do not want to go into details, but speeches have been made to-night which require some notice. The hon. Member for North Warwickshire (Mr. Newdegate), who appears to be the only person who comes up to the declaration in the preamble to this Bill in voting the money proposed "cheerfully," has made some most extraordinary statements. He compared me to one of the Dutch Commissioners who thwarted Marlborough in his campaigns. I thought that his allusion was singularly infelicitous, for he might have remembered that there were Members of the British Parliament who not only thwarted Marlborough, but impeached him for peculations in his military capacity, and also that Marlborough himself entertained a very extensive system for the defence of the country. I am no Dutch Commissioner thwarting Her Majesty's Government. I am a humble Member of Parliament endeavouring to do my duty. The hon. Member for Warwickshire went further. He made a speech more full of panic than I should have expected even from him. He not only contemplated a French army invading the country, but he actually discussed the question as to how we could break up our railways to prevent their advance, called our attention to the insufficient manner in which the Americans had destroyed their railroads, and dwelt so forcibly upon the subject that I believe after his speech the female occupants of another place must have been looking after their security. But we had another speech which astonished me still more than this. My hon. Friend the Member for Bridgwater (Mr. Kinglake) said that this was a question for military authority. I am quite content to leave it as a question of military authority; but I think that my hon. Friend can scarcely have read the evidence of Sir J. Burgoyne, who has given the strongest evidence against parts of this scheme. My hon. Friend went further, and said that the question was one of reliance upon a single man. He might have summed up his whole speech in the first words of the *Aeneid*, "*Arma virumque cano.*" He says that we have got the noble Lord at the

head of the Government, and we are to agree to every expensive project of defence that he may recommend. I take exception to that doctrine. I have not so much reliance upon the noble Lord as a peace Minister. I believe, that if the country was at war, such are the pugnacious propensities of the noble Lord, and such is his ability, that it would be necessary to have him in power; but I take exception to him as a peace Minister, and I do not think that after the speech which he has made to-night the House will be any more inclined to vote the enormous sum which he calls upon us to provide. He talks perpetually of invasion. He has again to-night talked of invasion as a possibility. And by the bye, he rather misrepresented my hon. Friend the Member for Finsbury (Sir M. Peto), who, he said, is calling upon the country to vote fortifications for the whole kingdom. My hon. Friend never asked for anything of the sort. He objected to this plan, and he said, "Depend upon your navy; give us an iron navy and not a wooden navy," but he never contemplated fortifications for the whole of this kingdom. But, says the noble Lord at the head of the Government, "Those who do not give proper credence to the idea of an immediate invasion are an ignorant set of people." I have the happiness to be one of that ignorant set of people. I consider it a happiness to differ from the noble Lord on that point, and I am supported by very good company. There is a Member of the noble Lord's Government who is likewise in a state of ignorance. What did he say in 1852? He differed from the noble Lord on the subject of granting £12,000,000 for the navy. The noble Lord on that occasion, ten years ago, ran this invasion panic, and what was the answer given by one of his particular friends and supporters?—

"Away with the delusion—away with this ignominious panic of foreign invasion! I maintain, as I have already said, that the relative position of this country as regards other countries never was better than at the present moment. . . . What, I should like to know, is meant by the term 'sudden invasion,' which is so often used, but with little consideration? The noble Lord the Member for Tiverton has defined it thus: 'We have to provide,' he says, 'not against a danger which may happen in six or eight months, but which may happen in a month or a fortnight from the time when it is first apprehended.' I ask the House, and I ask the country, is it possible to admit this definition of the noble Lord? Let the House for one moment figure to itself the noble Lord sitting in Downing Street with all

the threads of European diplomacy, concentrated, like so many electric wires, in his Cabinet, and let the House then figure to itself the surprise of the noble Lord on being told that that day fortnight 150,000 men were to be landed on the shores of Britain. Do you think the noble Lord believes this to be possible? Not at all." [3 *Hansard*, cxx., 1075, 1078.]

That is the speech of the present Secretary for Ireland, who says that this is an ignorant assumption of the noble Lord. But the noble Lord has always said, and he repeated it to-night, that it would be possible for a French force to run over and land twenty thousand men here and twenty thousand men there in England. In the year 1852 he made the same statement, that it would be possible for the French to run over in one night. Let us hear a most important answer to that. Here is another ignorant person. This is Lord John Russell, the present Foreign Secretary—what he thinks of an invasion by fifty thousand men in one night—

"I wish to state what I think is the danger to be encountered, because I do not wish to be mixed up with those who entertain apprehensions—"

He does not wish to be mixed up with them, you will remark. Well, he did not wish to be mixed up with them.

"I do not wish to be mixed up with those who entertain apprehensions of the sudden arrival in this country of 50,000 hostile troops in a single night, without notice of any kind being received in this country; or that we shall hear of an army marching up to London without our having had any previous symptoms of hostility. These are notions which are founded upon panic, rather than on reasonable calculation." [3 *Hansard*, cxx., 1090.]

That is the speech of the noble Lord the present Foreign Minister of this country attacking the noble Lord's assumption that we were to be invaded in a single night. The noble Lord talked of this country been weaker in consequence of the introduction of steam. I will leave that matter on the unanswerable speech of the hon. and gallant Member for Devonport, who told us clearly that steam had increased our facilities for defence. Therefore, if this is to be a matter of authority, as it has been put by the hon. Member for Bridgwater, who I am sorry did not hear that speech, I rely upon the opinion of the gallant Admiral, who tells us that steam has increased the power of defence of this country. The gallant Admiral came to rather an inconsistent conclusion, because, after attacking the whole scheme of fortifications, he said that he should

give his vote for the second reading of the Bill. His speech pointed against the whole plan as we have it before the House. The right hon. Gentleman the Secretary of State for War said that this scheme was solemnly sanctioned by the House in the year 1860, and that has been reaffirmed by the noble Lord. Solemnly sanctioned and about to be "cheerfully" voted. With what cheerfulness I leave the House to judge. But has the House, or have the noble Lord and the right hon. Gentleman, considered what has happened since 1860? Are we not in different circumstances? Is not that minority of thirty-nine likely to be increased by the alteration which has taken place in the circumstances? Has not the whole system of the navy undergone a change since 1860? Have we not got a different description of vessel; and more, are we not about to get a different description of gun? And that brings me to the question—while we are fiddling about fortifications, and frightened with stories of fifty thousand Frenchmen coming in one night, what are we doing with regard to our artillery? Are we not so bound up with that contract with Sir William Armstrong, that at this moment we have nothing but 100-pounders, which he is continuing to make, and have not a naval gun to put into our ships fit to contend with any enemy who may come across the Channel? If that be the case—if you neglect your ordnance in this, I do not like to say disgraceful, but unpardonable way—I think that an enemy may come across the Channel. From the beginning of these debates, as in 1860, I have never been averse to the proper defence of this country—I say the proper defence of this country—but I do hold that the proper defence of this country depends upon the navy. The noble Lord is in the habit of making speeches about the navy, and telling us that the French exceed us in the number of iron-plated ships. If that be true, the noble Lord is not justified in allowing that matter to remain where it is. If it be true that the French exceed us in naval force, instead of talking of fortifications on Portsdown Hill, he is bound to call upon us for a vote to put the navy in a proper condition. Do not let the energies of the country be wasted on bricks and mortar when we ought to be looking to the real defence of the country—to its iron navy. I was sorry to hear my hon. Friend the Member for Aberdeen (Colonel Sykes) recom-

mend to the Government a plan for the defence of the country by Maximilian forts. ["Hear," and "No!"] I think that my hon. and gallant Friend said that the proper mode of defending Portsmouth would be by Maximilian forts.

COLONEL SYKES explained that he had said that independent forts would be better than a continuous fortification, and might be constructed at one-twentieth the expense.

MR. BERNAL OSBORNE: Never having seen, and knowing nothing of Maximilian forts, I cannot recommend them. But I hope that the House will seriously turn their attention to this fact. It has been affirmed by the noble Lord, who is in a position to have the best information on this point, that the English navy is below that of France. If that be the case, I for one will support the noble Lord in putting that navy in such a position that it shall be not only on a par with but double the French navy. That is the position which every one who is mindful of his duty to his country would take; but when you come down to this House with false estimates—merely approximate estimates—calling upon the people to provide money for fortifications which are questionable at the best, and when at the same time you are neglecting your right arm, the navy, I say that the House is not doing its duty, nor is the noble Lord doing his duty to the country if such a state of things is allowed to continue. With reference to the Amendment before the House, moved by my hon. Friend the Member for Chatham (Sir F. Smith), I have only to say that I should have been much better pleased if he had moved the rejection of the Bill at its present stage. If I do not take that course, it is because I was not supported when I moved an Amendment on the introduction of the Bill, and because some of those works are in a state in which it might be desirable to finish them even on the ground of economy. But although I do not mean to move the rejection of the Bill, I beg leave to give notice, that when it goes into Committee, I shall object to the construction of the fortifications at Portsdown Hill so far as they are uninitiated at the present moment. I may say that I am also opposed to the House and the country being led away by a false system of finance—I mean the system of annuities; because, if we were called upon to vote out of the annual taxes the sum required for these fortifi-

cations at Portsdown Hill, the House would pause; but the expenses are always cheerfully paid when they are thrown on posterity. At any rate, I hope to have the support of, at all events, a respectable minority in resisting this enormous expenditure.

GENERAL PEEL: I am quite prepared to take my share of any responsibility this House may have incurred by agreeing to the proposals of the Government in 1860, respecting the national defences. What others are now said to have done in haste, I did deliberately. If it be true that the House, under the influence of a panic—created, it is said, by an exaggerated statement on the part of the noble Lord at the head of the Government, of some immediate and pressing danger—sanctioned an expenditure which they now consider extravagant, I can only say that the House acted very foolishly; because it must have been obvious to everybody that the means of defence then proposed could not be completed, or even begun, in time to avert any impending danger. It has been stated by my hon. and gallant Friend the Member for Chatham, that on that occasion we all, like sheep, were led astray; but, for my own part, I deny being influenced either by panic or the speech of the noble Lord in giving the vote I did; and the noble Lord must excuse me for saying, that I thought then, and think now, that that portion of his speech which referred to France was very unwise and very likely to create the danger which he called upon us to avert. I think it very unfortunate, that in the discussions which have taken place on the subject of our national defences, reference is always made to France, and suspicion and distrust expressed, without, in my opinion, any just cause for it. I do not think it at all necessary to entertain such suspicions in order to justify placing your arsenals and dockyards in a state of permanent security. From the moment it was ascertained that guns could be manufactured possessing the power of throwing projectiles a distance which had never before been contemplated, it is quite obvious that all preconceived opinions of security must be abandoned, and that you must set yourselves seriously to work to devise new means of defence against an increased power of attack. The first thing I did on the adoption of the Armstrong gun into the service in 1858, was to appoint a Committee to ascertain what the effect of those

guns would be on earthworks and fortifications, in order to put a stop at once, if necessary, to the completion of works then in course of construction, which might prove to be utterly useless; and in bringing in the Army Estimates in the following year, 1859, I expressed my opinion—an opinion of which my noble Friend Lord Herbert did me the honour of quoting and expressing his approval when moving the Vote for these fortifications—that you should make up your mind at once as to what means of defence the new range of guns rendered necessary, and proceed at once to the completion of them. I have always laid down the doctrine, to which I adhere, that the Government of the day are responsible, as far as human means can provide for it, for the security of the country; and I am not willing to relieve them from that responsibility by denying to them the means of carrying into effect the plans they propose; and I cannot conceive a stronger proof of want of confidence in a Government, or that a Government would remain in office a moment, if this House was to refuse them the means they asked for, in order to carry out what they, on their responsibility, and after due consideration, considered necessary for the security of the country. The Government have means at their command of obtaining advice, and the opinion of professional men responsible for the advice they give founded upon information, which they alone have access to; and this is admitted by one of the ablest opponents of the plans of the Commissioners, who, at page 27 of his pamphlet, says—

"In order to lay down a definite scheme, an amount of information is required which is quite unattainable by any but those who are specially charged with the duty by Government."

Now, there are certain points upon which I believe we are all, or very nearly all, agreed—namely, that it is wise and prudent to protect your dockyards and arsenals by means of defences of some kind or other, and that the navy must ever be the first and principal line of defence, and that under any circumstances, and at any cost, you must maintain the command of the sea. So far, there is very little difference of opinion; but when we come to the second line of defence, the case is very different. A second line of defence can only be required upon the assumption that under some circumstances or other your first line has failed, or, at all events, has failed in preventing either an attack by a naval

force upon your dockyards and arsenals, or the landing of troops upon your shores. If you are to assume the impossibility of an invasion, why, of course, no internal means of defence are necessary, and all the preparations we are making are useless, and the devotion of the Volunteers entirely thrown away: but I think there are very few who will come to this conclusion. What, then, is your second line of defence to be? or how are you to set about deciding upon it? My hon. and gallant Friend the Member for the Queen's County says—"Appoint a Commission of the most distinguished officers of all arms in Her Majesty's service, to consider the whole question of the defences of the United Kingdom." Why I thought this had already been done, and that we are now called upon to read a second time a Bill founded upon the Report of these Commissioners; and when I see the names attached to that Report, I really am at a loss to conceive how these different services could have been better represented. It is perfectly true that other officers have expressed opinions differing from those of the Commissioners; but if we are to wait until a plan is proposed that everybody agrees to, not even the youngest Member of this House will live to see the country defended. It is for the Government to decide whether the opinions of the Commissioners or those of their opponents are entitled to the most weight; and they have the Inspector General of fortifications and the Defence Committee to guide them in forming their decision; and I hold the Government, and not the Commissioners, responsible to this House, not only for the plan they propose, but for the execution of it: and I think this is a very important addition to their responsibility. Do not let us hear, when the works are completed, that in consequence of some error in the course of construction they do not fulfil the purpose for which they were designed, and that nobody knows who is responsible for their errors. This has happened too often. I also consider the Government responsible, not only for the expenditure, but for the provision for it; and that portion of the case I leave in the hands of my hon. Friend the Member for Stamford. I will not refer to the Budget of 1860, further than to remind the House that I predicted when it was brought in exactly what has since occurred. I warned the Government then that they had not provided for

the expenditure which had already taken place, independent of that which was inevitable, and that the necessary result would be a deficit, which would lead to a great outcry for reduction in the military and naval expenditure. There can be no stronger advocate for a wise and judicious economy in the military and naval expenditure than I am, because I am sure there is nothing so detrimental to the true interest of the services as a lavish and extravagant outlay. It is always followed by a reaction, and you go from one extreme to the other, and proceed to reductions that are injurious to the efficiency of the services. I do not agree with the Secretary for War that efficiency is always attended with increased expenditure; on the contrary, I think I could point out many of the departments connected with the army—the Clothing Department, the Commissariat, and the Manufacturing Departments, which have been placed in a state of the highest efficiency, and which has been productive of the greatest economy. Of this I am quite sure, that if the departments are in a state of inefficiency, the public service suffers from it. It is quite true that during the last three or four years there has been an enormous expenditure on the naval and military services—in point of fact, a war expenditure during a time of comparative peace; but I trust with this difference, that whereas at the end of a war you have nothing to show for your expenditure but reduced means and exhausted resources, I believe that the expenditure to which I allude has placed you in a very different position. If we recollect what has been done by this expenditure, I think few people will regret it. In 1858, a portion of the regular army was not supplied with rifled muskets, not a single regiment of militia had them, and there were none in store. You had not a rifled cannon in your service, or an iron-plated ship, and were behind other nations in all these respects. The expense of producing these, and the necessary ammunition, has been the cause of great expenditure; but I do not think anybody will grudge it. The portion of the expenditure during that period which I do regret is the seven or eight millions spent on the China war, which would have paid for all the fortifications now asked for, and left the country in a much better position than it is at present.

Mr. MONSELL said, that there was

nobody more competent to deal with the question of fortification than the right hon. and gallant Gentleman who had just spoken; but he had not given a single reason for asking the House to assent to the plan proposed. All that he had done was, in substance, to ask the House to repose a blind confidence in the Government, and to accept their plans, whether right or wrong, leaving the responsibility entirely on their shoulders. The same doctrine was propounded in regard to the scheme of fortifications in the time of Mr. Pitt; and the answer of Mr. Fox was, that the House of Commons could not abdicate its duties on such an occasion, when a large expenditure to be supplied from the taxes of the people was involved. The effect of the speech of the hon. and gallant Member for Ayrshire (Sir J. Fergusson) was this—that the navy of this country was inferior to that of France, and so long as it continued to be so it was the duty of the Government to turn their attention to promoting its efficiency. He agreed in that statement; and supposing the fact to be as stated, he would grudge no expense to put the navy in a state of efficiency. He argued the question on the assumption that it was their duty to do that at once; but supposing we had such a navy, was it possible to believe that the fortifications at Portsdown Hill and Plymouth were required? The normal principle of this country was to have the command of the sea; and when he looked at the Return of the forts now building, and compared them with those of France, he found that what the French were doing was building movable fortifications. It was notorious that the harbour of Cherbourg could be bombarded at a distance of 3,500 yards, and Toulon at 4,000 yards; and if war broke out between England and France, Cherbourg and Toulon would be at the mercy of England, were it not for the building of movable forts. He wished to know if it was possible that a sort of armada of wooden vessels could bring over 80,000 or 100,000 men to attack our dockyards, when it was perfectly certain, that unless they took the forts, not a man would go back to France? Still more unlikely was it that an invading force could achieve a flank march through a part of the country upon which railways could pour down Volunteers and regular troops in large numbers to engage them. The resolution taken by Sir John Moore on a threatened invasion was shared by many gallant officers at the

present hour ; and that was, to meet the invader on the sea, and to prevent him from setting a foot on our shores. It was a remarkable fact, that although Mr. Pitt held that the safety of the country depended on the construction of fortifications, yet when a war broke out a few years afterwards, which lasted for ten years, none of our dockyards were attacked or even menaced by the enemy during the whole of that period. It was a mistake to suppose that the sea fortifications were not now before them. An expenditure of many hundred thousand pounds was now proposed to them for such works ; but he held that they were in the same category as those at Spithead, and that if the one was abandoned, the other ought to be abandoned too. As to our ordnance, the fact was, that after spending some £3,000,000 in improvements, we had not got a gun which could pierce an iron plate at 500 yards. He, and those who agreed with him, regretted to see the ancient policy of the country to depend on its naval supremacy abandoned, and they would take every opportunity of dividing the House to prevent the taxpayers of the country being exposed to enormous expenditure which could produce no real benefit.

SIR JAMES DUKE said, he should not have risen if the hon. Gentleman who had just sat down had not stated that Toulon could easily be attacked. If the hon. Gentleman were outside Toulon, as he was some years ago, he would be very glad to turn tail, and not risk the loss of his ship from the guns on the Cape. As an old sailor, he thought they ought to feel deeply indebted to the noble Lord for the efforts he was making to provide efficient defences ; and he was sure the country would, for that reason alone, be ready to rally round the noble Lord's Government. He never doubted that the navy would, as in past times, maintain its honour and renown, but these were not days when they could bid defiance to any country by seamanship alone. The introduction of steam had produced a change of circumstances which no one could ignore. The gallant General the late Secretary of State for War had nobly supported the proposals of the Government, and a majority of the House of Commons would support any Administration which evinced the same spirit as the noble Lord in seeking to put the country in a proper state of defence.

SIR JAMES ELPHINSTONE said, he  
*Mr. Monseil*

did not intend to repudiate the Resolution to which the House came in 1860, to support Her Majesty's Government in the proposals which, upon their responsibility, were stated to be necessary for the defence of the country ; and he was prepared to support them now, though he was ready to admit that the fortifications proposed to be erected were not likely to be so effectual as at the time they were proposed. They were now in a state of transition, the most serious of the navy transitions within his memory. The system of naval defence was entirely altered, and a different sort of ship was required to defend our shores and to maintain our naval superiority in distant parts of the world. He believed that there were not less than seven classes of iron ships now in course of construction by the Admiralty, but unfortunately none of them had been adequately tested ; and he also desired to know what provision was being made for the dock and harbour accommodation of these vessels. He should support the Government in the vote to-night, but he trusted they would give speedy consideration to the momentous questions which recent experience involved.

CAPTAIN WILLES JOHNSON said, he held in his hand the accumulated wisdom of the Defence Commission—that wisdom which had produced a Report quite antagonistic to the evidence before them. When he first entered the service, the word "defence" was not to be found in our naval vocabulary. But now the word "attack" was never mentioned. If it ever escaped any one's lips, it was "with bated breath and whispering humbleness" lest it should give umbrage to gallant men on the other side of the Channel. It never seemed to have entered the heads of the Commissioners that our naval forces could attack as well as defend. He was sure, that if the noble Lord the Secretary to the Admiralty were at the head of a fleet, and were asked which he would rather attack, Cherbourg or Spithead, supposing both to be a possession of an enemy, he would say Cherbourg. Cherbourg had been a bugbear to the old women of the country, and to the old men and young men also. He had conversed with many hon. Members who had gone to visit that harbour and arsenal, and they came away with the idea that it was a second Gibraltar, and that it was not only impregnable but invulnerable. Toulon, Brest, and L'Orient, being *cul-de-sac* harbours,

were difficult to attack, but Cherbourg was easily assailable. Cherbourg had a broad roadstead, without rocks or shoals, and all the British fleet might be carried through that roadstead with perfect impunity. What was France arming for? She could not fear a descent on her coast, with her army of 700,000 or 800,000 men, and with a population of 40,000,000 in a ring fence. What, on the other hand, had England to fear, with a seafaring population of 350,000 men, the best and hardiest seamen in the universe; with a small but incomparable army, unequalled in gallantry and discipline? with a well-organized militia and a band of Rifle Volunteers, who were not only the glory of this country but the admiration of the world; with a naval reserve of 15,000 men, who could be increased at any moment to three times the number, and who recently showed their patriotic spirit by coming forward as one man to resent an insult offered to the British flag; and with the best engineers and artificers in the world, and an inexhaustible supply of coal and iron? We had really nothing to fear except an inglorious ultra-defensive policy, that gave courage and confidence to our enemies, while degrading and humiliating the British navy. The place to defend our own shores was on the coast of the enemy, as in the olden time. He had supported the noble Lord at the head of the Government on the Alderney Vote, but he was sorry to say he could not follow him into the lobby on the present occasion, believing that whenever fixed fortifications became our chief defence, the sun of our naval glory would have passed its zenith, and nothing would remain for us but to throw up the sponge and declare ourselves beaten. No man in that House, not even the hon. Member for Birmingham, looked upon war with greater detestation and horror than himself; but he was persuaded that until all the potentates of the earth became converts to that beautiful religion which the hon. Gentleman professed, war would never cease, nor would the lion lie down with the lamb. If, notwithstanding our endeavours to preserve peace, we were dragged into war, we had but one course to pursue—to prosecute hostilities with all the vigour and energy of which we were capable, carrying fire and destruction into every port of the enemy. These were his sentiments, and he believed, that if these fortifications were erected, they would prove an imperishable

monument of our weakness, of our folly, and of the decline of the greatest naval Power which ever existed in the world.

SIR FREDERIC SMITH said, he would withdraw his Amendment.

Amendment, by leave, withdrawn.

Main Question put.

The House divided:—Ayes 158; Noes 56: Majority 102.

Bill read 2<sup>o</sup>, and committed for Thursday.

**FORTIFICATIONS (PROVISION FOR EXPENSES)—(PAYMENT TO BANK OF ENGLAND).—COMMITTEE.**

Order for Committee read.

(In the Committee.)

*Resolved,*

That the Commissioners of Her Majesty's Treasury be authorized to direct the payment to the Governor and Company of the Bank of England, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, of the sum of £600, as an allowance for the expence of management of the contributions to be received by the said Governor and Company under any Act of the present Session for providing a further sum towards defraying the Expenses of constructing Fortifications for the protection of the Royal Arsenals and Dockyards and the Ports of Dover and Portland, and of creating a Central Arsenal.

House resumed.

Resolution to be reported To-morrow.

**TRANSFER OF LAND BILL.**

[BILL NO. 101.] COMMITTEE.

Order for Committee read.

House in Committee.

On the Motion of the SOLICITOR GENERAL,

Clauses 39 to 45 were struck out.

Remaining Clauses agreed to.

Clause D (Retiring Pension of Registrar).

THE SOLICITOR GENERAL proposed to grant a superannuation allowance to the registrar on his attainment to the age of sixty years, or on his being in the service of the Government for a period of twenty years.

Amendment proposed,

In line 27, after the words "years or," to insert the words "if he shall have then attained the age of sixty."

MR. AUGUSTUS SMITH proposed to amend the clause by the insertion of the words "sixty-five" instead of "sixty" years.

Amendment proposed to the proposed Amendment, by inserting after the word "sixty" the word "five."

Question put, "That the word 'five' be there inserted."

The Committee divided: — Ayes 57; Nos 71: Majority 14.

Clause agreed to.

House resumed.

Bill reported, with Amendments; as amended, to be considered on Friday, and to be printed [Bill 176].

POOR REMOVAL BILL—[BILL No. 151.] COMMITTEE.

Order for Committee read.

THE LORD ADVOCATE moved "That Mr. Speaker do now leave the chair."

MR. CRAUFURD said, he should oppose the Motion, unless an assurance were given that a clause should be introduced into the Bill giving the power of appeal.

THE LORD ADVOCATE hoped that his hon. Friend would not object to the House going into Committee on the ground he had mentioned. The object of the Bill was to assimilate the law affecting the removal of the poor from England to Scotland, and from Scotland to Ireland, to the existing state of the law with respect to poor removal from England to Ireland. If an appeal was thought right in one case, it ought to exist in the other also.

SIR JOHN OGILVY hoped the Committee would be postponed.

COLONEL DUNNE supported the proposition for introducing an appeal from the decision of magistrates in these cases.

Question put, "That Mr. Speaker do now leave the Chair."

The House divided: —Ayes 66; Nos 13: Majority 53.

House in Committee.

Clause 1 (Warrant of Removal to Scotland to be signed by Two Justices or a Magistrate, and to England or Ireland by the Sheriff or Two Justices).

SIR FREDERICK HEYGATE moved an Amendment to the effect that no child who had arrived at five years of age, and should remain in the country ten years, should be liable to removal.

THE LORD ADVOCATE objected to the Amendment.

Amendment negatived.

SIR HERVEY BRUCE moved the introduction of words providing that a residence of five years in one parish or of ten

*Mr. Augustus Smith*

years in several parishes shall render a person irremovable.

Clause agreed to; as were also Clauses 2 to 7 inclusive.

House resumed.

Committee report Progress; to sit again on Thursday.

SHEEP (IRELAND) BILL—[BILL No. 161.] COMMITTEE.

Order for Committee read.

Bill considered in Committee.

MR. HENNESSY moved a clause giving power to destroy unmuzzled dogs found at large within fifty yards of a public road, or to fine the owners.

Clause withdrawn.

House resumed.

Bill reported; as amended, to be considered on Wednesday.

JURIES BILL—[BILL No. 172.] CONSIDERATION.

Order for Consideration read.

MR. DEEDES moved the following clause, to follow the first clause:—

"All managing clerks to attorneys, solicitors, and proctors actually practising, all subordinate officers in gaols and houses of correction, and all constables, shall be and are hereby absolutely freed and exempted from being returned and from serving upon any juries or inquests whatsoever, and shall not be inserted in the lists to be prepared by virtue of the principal Act or of this Act. And to amend Schedule accordingly."

Clause brought up, and read 1°; 2°; amended, and added.

Bill to be read 3° on Wednesday.

House adjourned at half after One o'clock.

## H O U S E O F L O R D S ,

Tuesday, July 1, 1862.

MINUTES.]—PUBLIC BILLS.—1<sup>a</sup> Game Law Amendment; Bishops in Heathen Countries.

2<sup>a</sup> Naval and Victualling Stores; Salmon Fisheries (Scotland); Lunacy (Scotland); Consolidated Fund (£10,000,000).

3<sup>a</sup> Bleaching and Dyeing Works Act Amendment.

## U N I T E D S T A T E S — T H E C I V I L W A R .

LORD BROUGHAM said, he was sorry to find that he had been somewhat misunderstood in what he had stated the previous evening with regard to the unhappy civil war that was raging in America—a civil war that had already lasted longer than

any civil war that history had recorded. Some warm and ardent friends of the United States had charged him with generalizing too much in attributing to the people at large what was in truth only the behaviour of individuals. Certainly nothing could have been further from his intention than a desire to impute particular acts to general conduct. It had been represented to him that although things were very bad in America, they were not quite so bad as he had stated. Whatever might be the facts, there could be no doubt as to their frightful character, and he trusted that this bloody and fratricidal war would soon be brought to a termination.

#### SALMON FISHERIES (SCOTLAND) BILL.

[BILL NO. 112.] SECOND READING.

Order of the Day for the Second Reading read.

LORD STANLEY of ALDERLEY, in moving the second reading of this Bill, said, the subject was well worthy of legislation, and the measure was founded upon the unanimous Report of a Select Committee of their Lordships, including several of the largest proprietors of salmon fisheries in Scotland. The fourth clause constituted every river in Scotland flowing into the sea a district for the purposes of this Act, which was to be placed under the control of three Commissioners. The annual close-time was to continue for 180 days in every year, but the commencement and close of this period was to be fixed by the Commissioners in reference to each district: the weekly close-time was to extend from six p.m. on Saturday to six a.m. on Monday. No fishing was legalized which was not already legal, and the possession of salmon roe was forbidden. A penalty was also inflicted for allowing poisonous substances to flow into rivers. The Bill also provided for the election of district Boards, and for district assessments to defray the expenses to be incurred under the Act. The law as to fixed engines would not be altered. They were clearly illegal in rivers and in estuaries, and the Bill would enable the boundaries of all the estuaries in Scotland to be ascertained, so that the question as to where the estuary ended would be settled. The Tweed and Tay, being governed by special Acts, were to a certain extent excepted, and provisions were inserted making the regulations now applicable to the south of the Solway, under the

English Salmon Fisheries Act, applicable also to those shores of the Firth situated in Scotland. The principle of the Bill had been frequently affirmed. It was entirely in conformity with the opinions of the Select Committee, and did not differ materially from the Bill of last year.

Moved, That the Bill be now read 2<sup>d</sup>.

THE DUKE of RICHMOND, in rising to move that the Bill be read a second time that day six months, said, he could not agree with the noble Baron that it was entirely in conformity with the recommendations of the Select Committee of their Lordships' House. Numerous Salmon Fisheries Bills had been before Parliament during the last few years, but, for some cause or other, none of them had passed; and with the exception of the Tweed and the Tay, the Act of 1828 was the general law of Scotland with regard to fisheries. Last year the Lord Advocate introduced a Bill which proceeded at once to sweep away all fixed engines of every kind, and to regulate generally the manner in which people should fish in Scotland; but notwithstanding that it was referred to a Select Committee and greatly amended there, it was found impossible to pass it, in consequence of the great variety of interests at stake. The Lord Advocate had given his attention to the subject during the recess, and the result was this Bill. His first objection to it was, that it gave most extraordinary powers to three Commissioners, who were entirely irresponsible, to make regulations which ought to be fixed by Act of Parliament, and which noble Lords and hon. Gentlemen in another place ought to have an opportunity of discussing before they were made final. The Commissioners might be most respectable gentlemen—he had no doubt they would be—but they might hold the wildest possible theories on the subject: yet they were empowered to make regulations which would affect the property of every man in Scotland who had a salmon river; and there was not a single clause in the Bill which would enable the proprietors to have anything whatever to say to any of the by-laws until they came before the Secretary of State. There was scarcely any subject on which there was more of theory and less of practical knowledge than the breeding of salmon; and as the pay of the Commissioners was not to exceed £3 for every day they were called upon to act, considering the large sums which engineers and others in similar employment received

for a single day's work, there was no security that they would be men of the highest practical experience. The Commissioners, among other things, were to fix the meshes of the nets, and they were generally directed to carry out the Act as much as might be in accordance with the English law; but the English Act fixed the meshes of the net at two inches. The effect of such a regulation as regarded the river Spey, the fisheries in which he owned, would be, that whereas there was an average annual take of 10,000 trout, by the operation of this Bill he should be deprived of 9,000 of them. Now, if it would improve the breed of salmon to leave trout in the river, it might be some reason for the clause; but it was well-known that no fish was more destructive to salmon spawn than trout. With regard to the appeal to the Home Secretary, which might be made by any person who felt aggrieved by the by-laws, no such appeal could be a satisfactory one; for the Secretary of State could only refer the matter back to the Commissioners, who would naturally say that there was no ground of complaint. He objected to the enormous powers which it was proposed to give to the Commissioners; and, with regard to the district Boards, he thought it would have been wise to follow the example of the Tweed Act of 1857, and make votes bear some proportion to property. In respect of the weekly close-time proposed, it would press hardly upon persons who had tidal fishings and upon the lower proprietors; and if the Bill should reach the stage of Committee, he should move as an Amendment that the hours be from 9 o'clock on Saturday night to 3 o'clock on Monday morning. He felt that the Bill was an unjust measure, and that it did not carry out what it proposed to do. It in reality diminished the provisions against bag-fishing and poaching, which were the two great causes why the breed of salmon had decreased. He thought that it would be far better if the noble Lord would bring in a Bill to put down those practices, and also to prevent objectionable substances from being thrown into the rivers. There was already a clause intended to effect that object, but he was satisfied that it would prove inoperative. For example, nothing would more prevent fish from entering the tributaries of a river to spawn than sawdust, yet that could not be held by any ingenuity to be a poisonous or deleterious substance. He should not detain their Lordships further, but would simply move that the Bill

be read a second time that day three months.

*Amendment moved, to leave out "now," and insert "this day six months."*

THE EARL OF CAMPEDOWNS said, he had long admired the unanimity with which Scotch questions were dealt with, but he also knew that whenever a Salmon Bill was mentioned that unanimity ceased. The arguments of the noble Duke appeared to him to be directed more against the details than against the principle of the Bill. There was another party to be considered besides the proprietors—the public—and their interests clearly demanded that some legislation should take place upon this subject. For many years there had been a war raging between the upper and lower proprietors in regard to the salmon of their rivers. While the one party had been striving to prevent the fish from going up the stream, and the other seizing it when out of season, the stock of salmon had been gradually diminishing, and the public became, consequently, the sufferers. He thought it was high time that some independent body should be armed with power to interfere in this matter. The object of the Bill was to give such power to a Board of Commissioners. So far he thought the principle of the Bill was good, because these gentlemen were likely to exercise an independent judgment; and if they did not, there would be no lack of persons ready to bring their complaints before the House. There was one extraordinary clause in the Bill (the 31st), to which he entertained great objections. By that clause the River Tay—the greatest salmon river in Scotland—was exempted from the operation of the Bill. The Bill, as originally introduced, did not contain that exemption, and he had been surprised to hear it said that the proprietors were unanimous in asking for that exemption. He did not believe there was any such unanimity; and, indeed, doubted whether more than five or six of the whole number of proprietors were favourable to the exemption. A Salmon Fishing Bill which omitted the River Tay from its operations seemed to him very like the play of *Hamlet* with the part of Hamlet omitted. The Bill might be improved in Committee, and he hoped their Lordships would consent now to read it a second time.

LORD RAVENSWORTH said, he was convinced that the real cause why the

salmon had decreased in all the rivers of this country was the cupidity of the lower proprietors, who would not let any fish that they could catch go up the stream to spawn. In fact, were it not for the great floods, no individual fish could ever escape them. While such a system existed, it was hopeless to expect any improvement; for the upper proprietors would never take any trouble in the matter, incur any expense, or run the risk of drawing down on themselves the ill-will of their neighbours, unless they felt they had some interest in the preservation of the fish. The Bill was no doubt susceptible of improvement, and might be made a valuable measure. He should move in Committee that the weekly close-time should be extended from twelve on Saturday noon until six on Monday morning, an alteration which he believed would be eminently useful.

THE EARL OF MALMESBURY said, that as an angler he should advocate the rights of anglers as distinct from those of the proprietors on the upper and lower waters; and, indeed, he thought the interests of anglers had been fully considered in preparing this Bill. He thought, however, that their Lordships as legislators should look deeper than this; and in this spirit he complained that the Bill was unconstitutional, inasmuch as the same power was given to Commissioners in reference to one part of the kingdom which was exercised only by Parliament in reference to the other part. In the English Bill the enactments were clearly defined, but here a very large discretion was left to the Commissioners. With all its faults, he should advise the noble Duke, if he thought the majority of his countrymen were in favour of the Bill, to allow of the second reading, and endeavour to amend it in Committee; but still, if he thought fit to divide, he (the Earl of Malmesbury) must vote with him, because he was strongly opposed to conferring such despotic power upon the Commissioners.

THE EARL OF GALLOWAY said, he did not see why the Solway should be included within the operation of the Act. The noble Lord who moved the second reading said it was because the English law prevailed on the south side. By parity of reasoning, they might as well say that the Scotch law should prevail in Northumberland or Durham. He thought, however, that some legislation was required on this subject, though he objected to many of the details of this measure.

LORD POLWARTH objected to the arbitrary power given to the Commissioners under the Bill, though he thought the general principle embodied in it was a good one. He suggested that the Bill should be sent to a Select Committee.

THE DUKE OF ARGYLL said, the great majority of the objections which had been taken were objections of detail. He was entirely disinterested in this question, as he was neither an upper nor a lower proprietor; any small fisheries that he possessed were in small streams which were entirely his own property. He could therefore approach the question without any bias. At the same time, he thought the noble Duke who had moved the rejection of the Bill (the Duke of Richmond) was entitled to speak as possessing the largest salmon property in the kingdom. It seemed to him that the only objection that had really been brought against the Bill, was against the arbitrary powers given to the Commissioners. Every year for the last twenty-five years there had been an attempt made to amend the law relating to salmon fisheries. When he first took his seat in their Lordships' House, he had been induced himself to take charge of one of these measures; whereon the noble Earl opposite (the Earl of Derby) told him that he must be very young to suppose that he could alter and amend the salmon laws of Scotland. All of these measures had, accordingly, been unsuccessful; and they failed because they adopted a principle which was avoided in this Bill, and that was the fixing one annual close-time for the whole of Scotland. The truth was, that the annual season for the different rivers was entirely different, and they never could get the different proprietors in the different counties in Scotland to agree on any one fixed period for the whole of Scotland. In order to effect this, therefore, it was necessary to have recourse to Commissioners, who should have the power of fixing the period according to the requirement of each several district. He did not think that the powers given to the Commissioners were too extensive. There was a distinct clause in the Bill that nothing contained in the Bill should affect in one way or other the existing law of Scotland with regard to the mode of fishing. If stake nets were legal, this Bill did not make them illegal, and the Commissioners could do nothing which would make that illegal which was lawful under the existing statutes.

LORD CHELMSFORD said, that after the discussion which had taken place, inasmuch as all the objections taken were objections to details, he should advise his noble Friend (the Duke of Richmond) to withdraw his Amendment.

THE EARL OF MANSFIELD concurred in the recommendation of the noble and learned Lord.

THE DUKE OF RICHMOND said, he would adopt the advice of his noble Friends, and withdraw his Amendment.

Amendment, by leave of the House, withdrawn.

Then the Original Motion agreed to.

Bill read 2<sup>a</sup> accordingly, and committed to a Committee of the Whole House on Monday next.

BISHOPS IN HEATHEN AND MAHOMEDAN COUNTRIES BILL—[BILL NO. 124.] ORDER FOR SECOND READING DISCHARGED. BILL WITHDRAWN.

THE BISHOP OF OXFORD stated that he had been in communication with his noble Friend the Secretary for the Colonies (the Duke of Newcastle) on the subject of the Bishops in Heathen and Mahomedan Countries Bill, of which the Order for the Second Reading stood for this day; and his noble Friend had been kind enough to point out some provisions in it which he thought objectionable. He had thought it advisable, upon consideration, to reframe the Bill, and he would now ask their Lordships to allow him to withdraw the former Bill, and to read the amended Bill a first time.

The Order for the Second Reading was then read, and discharged; and Bill (by leave of the House) withdrawn.

Then a Bill for facilitating the Appointment of Bishops for Heathen Countries was presented by the Bishop of OXFORD, and read 1<sup>a</sup> [BILL NO. 140].

House adjourned at a quarter past Seven o'clock, to Thursday next, Eleven o'clock.

HOUSE OF COMMONS,  
Tuesday July 1, 1862.

POOR RELIEF (IRELAND) (No. 2) BILL.

[BILL NO. 15.] COMMITTEE.

Order for Committee read.

House in Committee.

*The Duke of Argyll*

Clause 1 (Existing Enactments as to Chargeability repealed—Chargeability according to Residence).

MR. GEORGE said, the clause which the right hon. Baronet (Sir R. Peel) proposed in lieu of the first clause, enacted that before a pauper could become chargeable to a particular electoral division he should have resided in the union for five years next before the application for relief and for two years within the electoral division. The clause as it originally stood, and as it had been rejected by the Select Committee to whom the Bill was referred, proposed that the pauper's residence in the union should be five years continuously, two of these years being spent within the electoral division to which he was made chargeable. The word "continuously" was objected to by the Committee, and the right hon. Baronet the Chief Secretary for Ireland undertook to amend the clause; but he (Mr. George) contended, that although the wording had been altered, the meaning was the same, there being no practical difference between five years' continuous residence and five years' residence next before the obtaining of relief. He objected to the clause on the ground that it approximated to union rating, the principle of which he hoped would never be extended. Every inducement should be given to country gentlemen to employ the people, and he believed it was their desire to keep the people out of the workhouse. The effect of the electoral division system would be to make proprietors anxious to keep the people of their electoral division out of the workhouse.

MR. BAGWELL said, he did not think that the clause, if passed, would be a step taken towards union rating. He believed, on the contrary, it would be a step in the right direction; and he trusted, therefore, the right hon. Baronet would persevere with the clause. He could not agree with the hon. and learned Gentleman who had just spoken as to the desire of the landlords of Ireland to keep the people out of the workhouse. The first thing thought of usually on an estate being acquired was to "improve" it by clearing off the people, who had then no resource but to obtain workhouse relief.

COLONEL DICKSON said, that the issue raised might be termed town against country. He denied that the landlords of Ireland desired to clear the people off their estates. Nothing could be so ruinous as to pursue such a course. Whenever real

improvements were effected, the first thing looked to was the condition of the people. The clause, as it stood, would render it almost impossible to fix the chargeability of a pauper. He could not conceive that any more objectionable principle could be introduced into the Poor Law system than that of union rating; and believing that the clause was an advance in that direction, he should feel bound to oppose it.

COLONEL FRENCH said, he also must express his disapproval of the clause. It would naturally lead to the establishment of a system of union rating, and ultimately of national rating; and one of the strongest motives which at present induced land-owners to look after the improvement of the people on their estates would thus be destroyed.

MR. McCANN said, that out of one electoral division in the county of Louth 400 persons had been driven, and they made their way to Drogheda, where most of them had to take refuge in the work-house. Surely it was not just that the ratepayers of that town should be chargeable with the support of those paupers. He hoped the House would adopt this clause, and that the system of union rating would be carried out.

MR. O'BRIEN said, he would ask the Committee to accept the clause as a compromise between town and country. It was within his own knowledge that 250 families had been removed from one estate in the county of Tipperary, and were obliged to seek refuge in a neighbouring borough, the effect of which was to raise the rates in that borough to something like 25s. in the pound.

LORD CLAUD HAMILTON considered that the clause was in effect an adoption of the principle of union rating, which would lead to extravagance.

SIR ROBERT PEEL said, his object had been to adhere strictly to the recommendation of the Committee, and he certainly did not intend to introduce anything that would tend to establish the principle of union rating, to which he was strongly opposed. He believed the clause as it stood did carry out the recommendations of the Committee; but, after the objections made to it by so many hon. Members for whose opinion he had great respect, that it had a tendency to establish a union rating, he had some misgiving as to the advisability of maintaining the clause. He would therefore undertake on bringing up the report to propose a clause in exact

accordance with the recommendation of the Committee, retaining the clause in the Act of 1849, and altering the period for residence within the union as suggested by the Committee. The question of chargeability was one of great difficulty and delicacy, and his only object was to do that which was fair and equitable between town and country.

LORD NAAS suggested that the clause should be withdrawn and a new clause brought up on the Report.

SIR ROBERT PEEL said, that that was the course he proposed to adopt.

MR. MONSELL said, he approved of the step taken by the right hon. Baronet, which would carry out the recommendation of the Select Committee.

MR. BAGWELL said, he would recommend the right hon. Gentleman the Chief Secretary to hand over the Bill to the noble Lord opposite (Lord Naas), whose suggestions with reference to Government Bills relating to Ireland seemed invariably to be adopted.

MR. H. A. HERBERT observed, that the course pursued by the Chief Secretary had his entire approval.

Question put,

"That the Clause (Existing Enactments as to Chargeability repealed—Chargeability according to Residence), being the new Clause in lieu of Clause 1, as amended, be added to the Bill."

The Committee divided: — Ayes 15; Noes 121: Majority 106.

SIR ROBERT PEEL moved the insertion of a clause, after Clause 19, to the effect that guardians, when elected by the ratepayers of two or more electoral divisions, should notify to the returning officer for which of the divisions he would act as guardian.

Clause agreed to.

LORD JOHN BROWNE said, he wished to move the addition of a clause, providing that it should be lawful for boards of guardians to recover from putative fathers the cost of the maintenance of illegitimate children during the time they were inmates of a poorhouse and while under the age of fourteen years, such cost of maintenance and costs of suit to be recoverable by process at quarter sessions.

Another Clause (Boards of Guardians to recover Costs of Maintenance of Illegitimate Children in Poorhouses under Fourteen), brought up, and read 1<sup>o</sup>; 2<sup>o</sup>.

SIR ROBERT PEEL said, he had no objection to the adoption of the clause.

MR. MORE O'FERRALL said, that if the clause was adopted by the House, it would be the first introduction in Ireland of the principle of the bastardy laws, and he should therefore oppose it.

Question put, "That the Clause be added to the Bill."

The Committee divided:—Ayes 111; Noes 11: Majority 100.

MR. O'BRIEN said, he would move the addition of a clause, to the effect that as it was desirable that provision should be made for the burial of persons dying in very distressed circumstances, it should be lawful for the relieving officer of each union to provide for the burial of such persons, and to charge the expense upon the poor rates of the union.

SIR ROBERT PEEL objected to the clause.

*Clause withdrawn.*

MR. BLAKE said, he wished to propose the adoption of a clause to enable guardians to apprentice children, with the consent of their parents, up to the age of fifteen, and to pay a fee for them not to exceed £10.

LORD NAAS said, he should oppose the clause, which would place pauper children in a better position than the children of poor parents.

MR. MAGUIRE said, he should support the clause as one that would be beneficial to the children, to the guardians, and to society.

SIR ROBERT PEEL said, he had a decided objection to the clause. The fee would operate as a premium to persons to take children as apprentices and afterwards neglect them. Besides, the effect of the clause would be to give a premium to parents or guardians to send children to the workhouse.

Another Clause (Enabling Guardians to apprentice Children), *brought up*, and read 1°.

Question put, "That the Clause be read a second time."

The Committee divided:—Ayes 10; Noes 95: Majority 85.

MR. BLAKE said, he would then move that after the passing of the Act the *ex officio* guardians of unions should not exceed one-third of the entire board.

SIR ROBERT PEEL said, he saw no reason to alter the law as it stood, the boards being composed equally of *ex officio* and of elected guardians.

Motion negatived.

MR. BLAKE said, he would propose the addition of a clause enacting that it should be compulsory on all boards to provide separate places of worship in the workhouses, to be exclusively used for such purpose by the congregations, for whom chaplains might be appointed.

SIR ROBERT PEEL said, that under the existing regulations in most workhouses a part of the dining-room was partitioned off for the celebration of service, and was used alternatively by Protestants and Roman Catholics, and the provision was generally found sufficient.

Clause negatived.

MR. VANCE said, he would move the addition of a clause, enacting that when the Poor Law Commissioners should have divided any electoral division into wards, every ratepayer in respect of property in the ward should have a vote or votes in the election of guardians in such ward, according to the scale of votes provided by the Act 1 & 2 Vict., c. 56.

Another Clause (After Division of Electoral Divisions into Wards, Ratepayers under the last Rate may vote for Guardians), *brought up*, and read 1°.

Question put, "That the Clause be read a second time."

The Committee divided:—Ayes 47; Noes 69: Majority 22.

House resumed.

Bill reported; as amended, to be considered on Thursday, and to be printed [Bill 180].

#### DRAINAGE (IRELAND) BILL. [BILL NO. 145.] COMMITTEE.

Order for Committee read.  
House in Committee.

Clause 14 (Regulations as to Drainage Boards).

MR. MORE O'FERRALL objected to the measure altogether as mischievous and dangerous.

COLONEL DICKSON said, the Bill had been introduced after much consideration, each of its clauses having been fully inquired into by a Select Committee. The great object of the measure was to enable

Irish proprietors to drain their estates at their own expense, and without that amount of control imposed on them by former Bills.

MR. SCULLY said, he should oppose the Bill. It was a compulsory measure, which would enable commissioners of drainage to take the lands of a proprietor, and run drains through it, against his will and at his expense.

COLONEL FRENCH denied that the Bill was compulsory. On the contrary, it was permissive. Nothing could be done under it in any district until a large majority of the proprietors had called on the Board of Works to form a drainage district.

*Clause agreed to.*

*Clause 15 agreed to.*

*House resumed.*

Committee report Progress; to sit again *To-morrow.*

The House re-assembled at Six o'clock.

Notice taken, that 40 Members were not present: House counted; and 40 Members not being present,

House adjourned at a quarter after Six o'clock.

#### HOUSE OF COMMONS,

*Wednesday, July 2, 1862.*

MINUTES.] — PUBLIC BILLS. — 1<sup>o</sup> Leases, &c. by Incumbents Restriction Act Amendment; Turnpike Acts Continuance; Turnpike Trusts Arrangements.

2<sup>o</sup> Stipendiary Magistrates; Windsor Castle (Bakehouse).

3<sup>o</sup> Petroleum; Juries; Harbours Transfer; Police and Improvement (Scotland); Newspapers, &c.

BALLOT BILL—[BILL No. 142.]

SECOND READING.

Order for Second Reading read.

MR. H. BERKELEY said, he found himself in an unwonted position with respect to the measure, inasmuch as that was the first occasion on which it was his duty to ask the House to read the Bill a second time. Much had been said about the late division, in which the supporters of the ballot achieved a victory by a very considerable majority in a small House. He would assure the House that it was not his desire to have pressed the question hastily forward to a division, or to

take any advantage of hon. Members, but he found himself compelled to do so from the conduct that was pursued towards him. There were certain hon. Gentlemen present who had determined to count the House out; and finding there was a great desire to shorten the discussion on the Bill, he went to a division, which resulted in a victory to the friends of the ballot. It was not his intention to trouble the House with a very long argument on the question, because he considered that the arguments which had been urged in favour of the ballot had never been refuted, and in that respect the supporters of the measure stood perfectly triumphant. But it would be his duty to remove a load of dust and of cobweb which had been industriously thrown over the question, and in which a part of the press took the lead. Although he bowed with submission to all fair criticism which might come from the press, yet there were cases in which licence became licentiousness. He would give an instance. There appeared in *The Times* newspaper the following:—

"Whoever wishes to see the low condition to which a once great Parliamentary question is reduced, has only to refer to our Parliamentary proceedings to observe that Mr. Berkeley could only assemble eighty Members."

At the time that that passage appeared in *The Times* the editor had 112 pairs for dinner in his possession, in addition to those who voted. Upon such wretched capital was an opposition got up in that paper against the ballot, and those were the means used. Much dust had been thrown on the measure, with the intention of blinding the people to the real consequence of it. It therefore became his duty to lay before the House the exact condition in which the question stood. He held in his hand a table of statistics, in which were enumerated the constituencies of England, with their population and the number of electors. As first in place and consequence he would take this great and enlightened metropolis; and taking the eighteen members returned for the metropolitan boroughs, he would venture to say that whether as to their social position or their talent they were second to none in that House. The city of London had a population of 112,247; it contained 18,562 electors, and returned four Members who walked in the steps of George Grote. Westminster had a population of 253,985; it contained 12,826

electors, and returned two Members both voting for the ballot. The Tower Hamlets contained a population of 647,585, and 29,799 electors, returning two Members, both voting for the ballot. Lambeth contained 298,032 inhabitants, 22,387 electors, and returned two Members, both voting for the ballot. Marylebone had 436,298 inhabitants, 21,022 electors, and returned two Members, both voting for the ballot. Southwark had a population of 193,433, and 11,278 electors, returned two Members, and both voting for the ballot. Finsbury contained a population of 386,844, with 22,230 electors, and returned two Members, both voting for the ballot. Middlesex contained a population of 2,205,771, with 15,328 electors, and returned two Members, and both voting for the ballot. Manchester contained 357,604 inhabitants, 19,410 registered electors, and returned two Members, both voting for the ballot. Salford contained 102,414 inhabitants, 4,490 registered electors, and sent one Member to vote for the ballot. Birmingham had 295,955 inhabitants, 9,697 electors, and sent two Members to vote for the ballot. Bristol contained 154,093 inhabitants, 12,837 electors, and sent two Members to vote for the ballot. Sheffield had 185,157 inhabitants, 7,602 electors, and returned two Members, both voting for the ballot. Wolverhampton contained 47,646 inhabitants and 4,110 electors, and both Members voted for the ballot. Stoke-on-Trent contained 101,302 inhabitants and 2,350 electors, and both Members voted for the ballot. Plymouth and Devonport united contained 127,621 inhabitants and 5,395 electors, and the four Members returned for those places voted for the ballot. Bradford contained 106,218 inhabitants and 3,770 electors, and both Members voted for the ballot. The West Riding of Yorkshire contained 1,507,511 inhabitants and 36,645 electors, and the two Members voted for the ballot. Glasgow contained 394,857 inhabitants and 18,711 electors, and both Members voted for the ballot. There were other great constituencies he could mention in favour of the ballot—for example, Brighton and Gloucester—but the table alone showed an area containing 8,014,578 inhabitants and 283,246 electors, returning forty-one Members who are strong supporters of the ballot. In that table he had included only boroughs containing upwards of 2,000 electors, and excluded all boroughs in which the electors did not

amount to 2,000, or in which the Members were divided in opinion. He thought, therefore, that he was perfectly able to draw the conclusion with safety, that the ballot was a question that had some consideration with the country—that the ballot was supported in a way which no other question of reform was supported—and that the ballot had infinitely a stronger chance of success than other successful questions of reform had at their commencement. He should say one word or two as to the part he had taken in reference to this question. Twenty-five years ago he was sent to the House of Commons by the constituency of Bristol, pledged to the support of two great questions. One was the abolition of the Corn Laws—a question then under the charge of Charles Pelham Villiers; the other was protection of the electors by ballot under the charge of George Grote. All he (Mr. Berkeley) could say was, that he had followed the hon. Member for Wolverhampton into the lobby, and that he had graduated under George Grote. It had been said to him by some friends of his, “Why should you bring forward this question of reform in the present Session? A general apathy has fallen on the House; they will entertain no question of reform; her Majesty’s Government do not even bring forward that little duodecimo of reform which the noble Lord (Earl Russell), when he was created a Peer and retired from the House of Commons, left to them; our Conservative friends, who are likewise reformers, think it unnecessary to bring forward the question of reform, and have let it fall to the ground; there are your own particular friends, the hon. Members for Surrey and Leeds, they have not gone on with their Reform Bills; why do you go on with the question of the ballot?” That was said to him frequently; but he might say, in reply, that there were two kinds of example, good and bad, and he did not think that the giving-up of all those questions of reform was a good example. He would not consent to stigmatize the House of Commons as a body of political *Lazzaroni*, rather indulging in the *dolce far niente* than in making wholesome laws, and upsetting unwholesome abuses, but would endeavour, as far as he could, to remove the stain on their reputation. If there was a question of reform that had a distinct character, it was the ballot. The question of the ballot, as brought forward by him, resembled none of the Bills laid

*Mr. H. Berkeley*

upon the table. In all the Reform Bills brought forward, and recommended to the House there had been always an interference with the rights and privileges of the electors. There had been an alteration of the franchise of some sort or other. Either it was very much increased or moderately increased, or, perhaps reduced in one way and increased in another. Although hon. Members agreeing with him were inclined to support a great extension of the franchise, they kept the question of the ballot totally distinct from any question that interfered with the qualification of the electors. They were willing to take the electoral code as they found it, and all they desired was to carry out that electoral code in its integrity, by enabling the electors qualified by law to vote in the language of the law, "freely and indifferently." He was at a loss to know what there could be revolutionary in asking to do that; and yet when a motion for the ballot was made, it was declared that revolution was at the bottom of it. These were the reasons why he refused to accede to the suggestion to lay the ballot aside with all other questions of reform. He remembered when the abolition of the Corn Laws was met with fiercer opposition, and extended over a far longer period of years, than the question of the ballot, from the time when there was a protest signed against the obnoxious law by certain Peers and a distinguished Prince of the blood royal. There was the fiercest opposition to the abolition of the Corn Laws; and when the hon. Member for Wolverhampton led his small body of supporters into the lobby, he was described by the head of his own party as a lunatic leading a body of madmen. But who were the madmen now? There were around him hon. Members who opposed the abolition of the Corn Laws, but they were now as good free-traders as himself. The chief objection taken to the ballot in the present day was generally couched in language such as this, "Oh, the ballot is gone; democracy is at a discount; republicanism has been upset. Why, the great Republic of America has failed. Don't talk to us of annual Parliaments, equal electoral districts, vote by ballot; all are gone together." Now, let them pause for a moment and see how that was? So, then, republican institutions were at a discount, and the ballot had been tried and found wanting, because their American brethren had the great misfortune

to fall into civil war. In the first place, he met that assertion with a direct denial, and he should divide his denial into two parts. Was a civil war to be the test of institutions? What became of monarchies if that were the case? If a civil war were to damn a republic, what were they to say to the monarchy in this country, where within two hundred and fifty years there had been three civil wars? The first ended with the decapitation of a king; the second ended by turning a king out of his dominions; the third by placing the heads of sundry English and Scotch nobles on the spikes at Temple Bar. If a civil war were to be the test of institutions, what became of monarchy in Naples — where a man in a red shirt, with a volunteer rabble, turned out of the kingdom eighty thousand disciplined troops, with a monarch at their head? Republics had not been put on their trial, but Republicans had. Republican institutions had not been found wanting, but the inhabitants of a country where a republic existed had been found wanting. Monarchy was not at a discount because civil war had taken place in Italy. They knew that in England monarchy was not at a discount. They all appreciated the blessing they enjoyed in living under such a monarch as Queen Victoria. The ballot was condemned as a republican institution, but there never was such a mistake. What was the chief attribute of the ballot? He held the ballot to be the barrier against the unconstitutional usurpation of political power. He did not care where the usurpation came from. He cared not whether it came from an aristocracy—or a monied oligarchy—or a fierce democracy; the ballot was a protection against all. That was the real definition of the ballot. Hon. Gentlemen talked loudly on the hustings of the democratic influence of secret voting. Let any Gentleman, however, point out to him any single country on the globe where votes were taken by ballot, and where the tendency or action of the ballot had been democratic? When they talked of the ballot being a democratic institution, they were bound to answer that. He was convinced that no hon. Member could point out such a place. He would not let the matter rest there; he would carry the war into his opponents' country, and show that the action of the ballot in America was distinctly and decidedly conservative. He would tell them that the tendency

of the ballot was directly opposed to the action of universal suffrage. Through universal suffrage a democracy frequently dwindled into a mob, and what was done by that mob? In America it acted with the bowie knife, the revolver pistol, the tar-brush and the feathers—and what had the ballot done in that state of wild democracy? It gave protection to the man in trade—to the man of property and education—to the man of sound and good feeling. Without the ballot-box such a man could not express his opinion or do his best in the election of members to the Congress of his country. He would put the matter hypothetically. They were all aware of the *Trent* outrage, as it was called, when an American officer violated the law of nations. Hundreds of thousands in America, hurried on by a profigate press, were resolved, if they possibly could, to have a war with the old country, and to stand by Captain Wilkes of the American navy. He (Mr. Berkeley) would not do their American brethren the injustice of supposing that the feeling was universal. Far from it; he believed there were hundreds of thousands of men in America who deprecated a war with the old country. Suppose there was an election, and that Captain Wilkes was put up for Congress, and there was open voting, what man dare record his vote against Captain Wilkes? But, with the ballot, any man could do so with safety and without the least apprehension. Observe, then, what vast results must depend upon protected voting. So far, he thought he had shown that the ballot did not deserve the aspersions thrown on it, of having a democratic or republican tendency. If they wanted to have a contrast between open and secret voting, he need not go further than America. There was one State always called the Old England State—the State of Virginia. In that State there were numbers of old families who boasted of being connected by blood with the old families in this country. They boasted of preserving English customs and English manners, and it was no boast to say that they extended generously the old English hospitality to strangers. Amongst the English institutions which they were particularly proud of was open voting. They said they would have nothing underhand; they took the word from the Earl of Derby, who said that the ballot-box was the lurking-hole of political cowards. [Cheers from the Opposition.] Of course,

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hon. Members cheered. The Virginians agreed with the Earl of Derby. "Stand forth," said they, "like manly Englishmen; record your votes openly and in the face of day; and then if you vote for a sneaking Abolitionist, why, we will tar and feather you." Where were the cheers of hon. Members then? They knew that the key to the fetters of their slaves lurked in the ballot-box, and they would have none of it. Such was the state of things in Virginia, and he might ask if there was any similarity between the state of things in Virginia and in England. Though they bequeathed the social evil of slavery to the Virginians, they had it not in this country. They could not in England flog or fetter men, or put men's lives at the mercy of any one; but if they had no social slaves, had they no political slaves? If they had not a set of men that were flogged, and tarred and feathered, in case they disobeyed the mandates given to them at the polling-places, were there not men in England ejected from their houses and sent upon the world because they voted conscientiously? Such power did not pertain to one class in England: it was exercised by the landlord, by the aristocracy, and, he believed, it was exercised to a great extent by the millocracy. Did it follow that the ballot must be opposed to the aristocratic classes? On the contrary, if the ballot were the law of the land, the Conservative candidates would get in for many places where, without it, they were defeated. He did not treat that as a party question, but stood there on behalf of the people to obtain for them redress. He held in his hand an extract from the evidence of a witness examined before a Committee that rendered much service at that time—he alluded to Grote's Committee. He had not the slightest doubt that his hon. Friend the Member for North Warwickshire (Mr. Spooner) would have been returned for Birmingham if he had had the advantage of the ballot. Evidence to that effect was given by a witness, named John Gilbert, before Grote's Committee. He said, that but for intimidation he thought Mr. Spooner would have been returned. The witness described the intimidation as being that of the mob acting upon the lower order of tradespeople. The following was the report of his further examination:—

Q. "Then you think that Birmingham is not properly represented?—Certainly not."

Q. "Do you think that some change is required that will prevent intimidation?—I do."

Q. "You are an active partisan and a bold man. Your opinions were well known; but take the case of a person who has never taken an active part, and who is quite nervous about these matters, some change would be better for him, perhaps?—Yes, it would. I believe if it were done in that way that nobody knew how people voted, Spooner would have been returned."

Q. "Therefore, you think many voted against their opinion?—No doubt of that."

Q. "Would it not be a great point to have men's votes agree with their opinions?—Yes, surely."

Q. "Are you in favour of vote by ballot?—A pause. . . .

Q. "Are you in favour of protecting the elector with the ballot?—I don't know that. I am too good a Tory for that."

It was also said that in Nottingham the ballot would have a Conservative effect. A very large proprietor in Yorkshire told him that he believed the ballot would act more in favour of the Conservatives than it would in favour of the Liberals. It signified nothing to him whether it would or not; he only wished that people should have the right to vote according to their consciences. In Australia the ballot had worked to perfection. There was the strongest possible evidence of the fact; and there was an hon. Member present who could give such evidence. In this country, unfortunately, there had been of late a prevalence of strikes among the working class; and he had heard many honest reformers doubt the propriety of giving an extension of the franchise or the ballot to people who appeared so little able to govern themselves. As regards the franchise, he excluded that from present consideration; but as to the ballot, he (Mr. Berkeley) would give them a proof of its beneficial effects in putting down strikes. In a letter respecting strikes at Bolton, Mr. J. H. Raper said—

"The strike at Bolton has been one of a peculiar character. Both spinners and power-loom weavers have been on strike for six weeks rather than stand a reduction of 5 per cent on their wages, which the masters stated was necessary to keep them right. The Spinners' Union officers advised the men to accept, and ask for a rise when trade improved. Their prudent counsel was clamoured down by many of the younger and more thoughtless hands. A week or so ago a proposition was made that each mill should vote by ballot whether the negotiation should be settled by the committee. This was really whether they should go in or not, and was understood to be so, as the whole body knew what the secretary's opinion was. A decided majority voted in the affirmative, and the strike was virtually at an end with the spinners. Negotiations with the employers only remained, and they resumed work this morning. The weavers who have been out

the longer period also balloted on the question direct—'Going in' or 'Stopping out'; and the majority, under protection from clamour and abuse, voted for going on with their work rather than begging from the public. They, also, resumed this morning. Here we have an instance of the power of the ballot which aristocrats may comprehend. It is protection from mob rule as well against an oligarchy."

That was tolerably conclusive proof of the benefits that might result from the adoption of the ballot. When the ballot was first adopted in Australia, the qualification of electors was high—higher than it was in England—yet it was found to act perfectly well. Then the Legislature altered the qualification, and adopted that which was tantamount to universal suffrage—manhood suffrage. Disturbances took place in the colony, but not at the elections, which led *The Times* newspaper to insert some very strong articles against the institution of manhood suffrage and equal electoral districts; and, of course, with these *The Times* mixed up the ballot. He would not argue with *The Times*, but would leave it to its correspondent, "J. F. P.", who appeared to have the editor's confidence, as he always commanded a large space of the paper. He wrote thus—

"I have only one more observation to make in reference to a remark made by you in a former number of your journal, in which you bracket the ballot in the same category with manhood suffrage and equal electoral districts. I am able to assure you that the ballot has worked most harmoniously in Victoria. It is Conservative in its tendency, and is not practically open to abuse; but its chief excellence and characteristic virtue is the noiseless manner in which it accomplishes its object."

He had a statement from a well-known gentleman, Mr. Dutton, one of the Commissioners for South Australia at the Exhibition, and lately a senior Member of the House of Assembly of South Australia. He had returned the following answers to questions that were put to him:—

Q. 1. "Had you any experience of open voting in the colony prior to the introduction of the ballot?—I stood two severely-contested elections for the city of Adelaide before the ballot came into operation."

Q. 2. "Had you, before the ballot was adopted, drunkenness, fighting, treating, intimidation by mobs, or undue influence by customers or tradesmen?—Drunkenness, riot, and great disorder invariably prevailed at elections under the open voting. On one occasion in particular the mob, frantic with drink, and armed with bludgeons, had possession of the street leading to the polling-booth, and it was as much as a man's life was worth to cross the street wearing the colours of the candidates to whom the mob was opposed,

The whole of the police, foot and horse, had to be called out, to enable electors to get to the polling-booth. Treating prevailed very generally. The election of some of my friends cost, to my certain knowledge, several thousand pounds. I have heard tradespeople complain that they have lost custom in consequence of the way they have voted."

Q. 3. "What has been the effect of the ballot on such malpractices?—A total cessation of all the above evils."

Q. 4. "Has the ballot diminished the expense of elections?—Most decidedly. Any candidate can now be returned free of expense, except a few pounds for advertisements, or his own necessary travelling expenses to reach the electoral district to address the electors before the nomination day."

Q. 5. "Does the ballot prevent a man's vote from being known?—It is utterly impossible for a man's vote becoming known, unless he himself chooses to say which way he has voted."

Q. 6. "Has there been an increase in the number of persons recording their votes?—Certainly; for this simple reason: that now the elections go off so quietly that not more than a dozen idlers think it worth their while to loiter about the polling-booths, and the most timid person can comfortably and securely go to poll his vote. People go and record their vote, and in five minutes go about their own business affairs."

Q. 7. "Have you had any petitions for undue returns on account of bribery or other causes since the introduction of the ballot?—I only recollect one petition for undue return on account of intimidation on the part of a large employer of labour, but the allegations were proved to be unfounded."

Q. 8. "Has there been found any practical difficulty or inconvenience in conducting elections by ballot?—None whatever. The whole machinery works as smoothly and is as perfect as anything can be."

Q. 9. "Is the ballot generally popular in the colony after its nine years' trial?—Very popular. And I believe those who were formerly opposed to it (except, perhaps, a very few old Tories, whom nothing will change) are now quite satisfied with it."

Q. 10. "Has the assent of the Queen been given to any Act of your Legislature establishing the ballot?—Repeatedly; and what is more, it has never been objected to in any despatch from the Colonial Office. The Ministers for the Colonies, of both sides of the House of Commons, Liberals and Conservatives, have repeatedly had to submit to Her Majesty our electoral Acts, which by our Constitution are always reserved for the Royal assent, and such assent has invariably been given."

If each Member of the House would only be prepared to record every malversation of the franchise which had fallen under his own observation, there would be in *Hansard* a valuable record which would facilitate the passing of the ballot at a future period. He would adduce some evidence as to the state of the boroughs which had been recently contested. An eminent solicitor, partner to the Town

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Clerk of Lincoln, who had taken part in the late election there, said—

"I am in favour of vote by ballot as a measure of sound polling, and my experience of the recent election has more than ever confirmed my views on the subject. The present system of conducting elections is one of our greatest national stains, a system which lays prostrate all those moral and religious considerations which ought to have weight and influence in the exercise of the elective franchise."

Another letter from Lincoln, from Mr. Craps, stated—

"That the late election has been one of the most venal and corrupt that has been experienced in this city for a long time. The intimidation and bribery were fearful. I give you a specimen of the former, which might be multiplied ad infinitum. A voter was desirous of voting for Mr. Hinde Palmer; but being under obligations to a certain wealthy man of the opposite party, his landlord, he feared to vote as he desired, and intended not to vote at all. Consequently, on the day of election, he got out of the way. About two o'clock, the landlord called at the house, and asked the voter's wife where he was? She replied, 'Not at home.' 'You are a liar,' was the polite rejoinder; and walking straight to the man's bed-chamber, he loudly called to the voter. 'If you do not come directly, and vote for Mr. Bramley Moore, I will sell you up to-morrow.' Now, the elector considered it a great evil to vote for Mr. Bramley Moore, but a greater evil to be sold up and reduced to beggary; so he went to the poll and recorded his vote as commanded."

Mr. H. J. Raper, of Manchester, whom he had already quoted in reference to strikes, took an active part in the late Grimsby election. He was on the other side, for he opposed Mr. Heneage. He wrote—

"And now for the lesson which this election has taught. It is a simple one; that the Reform Bill which is needed is the Bill you proposed last Session, to take votes by way of ballot. This would amend the representation of the people. Whether more tories or more Whigs would be returned is another question. The opinions of the people are not now obtained. The Yarborough influence, conjoined with that of Heneage himself, fixes 300 votes to a dead certainty, who have no will of their own whatever as to the choice of a candidate. At every step I had ample illustrations of the great necessity for protection. As a great moral reform, I long for the ballot. As a counteraction to the venal, I beg you to press it on."

The Grimsby election was inquired into by a Committee of that House, and he would quote one passage from the evidence—

"James Hardy, a well-to-do man, goes down in his dog-cart to vote for Mr. Heneage. On the road he meets with the seducers, who give him £11 to vote for Mr. Chapman. He assents. They go to the booth, the poll is closed. The seducers have interest enough to get it opened, and to insert into it £11 worth of rascality in favour of Mr. Chapman."

He had interesting cases from the Green

Ireland, relating to the Longford election; but he would not speak of the election, which had been so much discussed. Some parties insisted most fiercely that there was great intimidation and violence; and others denied this assertion. It was, however, useless to conceal the fact, that in Ireland great influence was exercised by the landlords and by the priests; and he did not know any unhappier animal than an Irish elector, with both these parties at him. One of the most mischievous doctrines that had been insisted upon by the noble Lord the Member for Tiverton was, that the electors were trustees for the non-electors. That argument was used at Cork many years ago; and the priests said to the non-electors—"Lord Palmerston and Lord John Russell tell you the electors are your trustees; now you know that all those who vote for the Tory candidate are guilty of a breach of trust, and you know what to do with them." The consequence was, that the non-electors stoned them most sufficiently. Another practical illustration of that argument had been furnished by an election at Kidderminster, where Mr. Lowe was so stoned that he might be called the St. Stephen of the House of Commons. In short that right hon. Gentleman was not only stoned out of the borough of Kidderminster, but he actually was stoned into the borough of Calne. Although he and his friends had been fiercely assailed for bringing forward this measure—although they were told they were supporting a rotten cause, and that they were republicans—he was certain the good sense of the country at no distant period would come to the right conclusion. It was for the people out of doors and not for the Members of the House, who weakly spoke the voice of the people, to carry the question. At the present time they could be at no great distance from a general election, when the people would be plunged in the vortex of that abominable saturnalia which disgraced the country on those occasions. It was the duty of hon. Members to raise their voices to warn the people; and why might not he, as an humble individual, warn the Government, who were in a minority with their own party on this question? Why might not he point out to the Government that the time was coming when, through the passing of bad laws, which did not and would not prevent corruption, or through the apathy they showed touching the corruption which stood so prominently before them,

they would see borough after borough snatched from their hands? And, perhaps, when they found themselves in a minority, or found themselves on the Opposition side of the House, they would regret that they had not extended their protection to the unfortunate elector.

Motion made, and Question proposed, "That the Bill be now read a second time."

LORD FERMOY seconded the Motion.

SIR GEORGE GREY said, his objection to the Bill was a practical objection—that, in a great measure, it would be ineffectual in carrying out the object which the hon. Member had in view. Instead of being a check on bribery, it would facilitate it by preventing detection in many cases. He believed that it would be quite impossible to prevent the great bulk of Englishmen from avowing openly the part which they might take in an election. In his opinion, the elective franchise was both a trust and a duty; and, without affirming that the electors were trustees for the whole community, he would say that they ought to be subject to the ordinary rule of letting the public know how the trust was fulfilled and the duty was discharged. The hon. Gentleman, who was a very consistent and able advocate of the Ballot, had stated that the Bill was supported by every large constituency. However that might be, he (Sir G. Grey) doubted whether the general opinion of the country was in its favour, and he, for one, when the division took place, would vote against the second reading.

MR. NEWDEGATE said, he rose to thank the right hon. Gentleman the Secretary for the Home Department for the manly manner in which he had rejected the artful argument which had been addressed to the House by the hon. Member who had introduced the Bill. It was his firm conviction that the conduct of the right hon. Gentleman would meet with a satisfactory response from the country. One plain fact was stated by the hon. Member for Bristol, that his proposal was supported by a small minority in that House; and he (Mr. Newdegate) believed also by a small minority in the country. The best proof of this was the conduct of the House; and if the argument of the hon. Member for Bristol was worth anything, it was this, that the House expressed the opinion of the majority, but that the majority constituted a tyranny over the minority. The hon. Member had cited the rejection of

his hon. Colleague (Mr. Spooner) by the representation of Birmingham as an instance of intimidation. He (Mr. Newdegate) fully believed that his hon. Colleague had been rejected through intimidation; but an antidote was immediately discovered, for the electors of North Warwickshire, many of whom were also electors for the borough of Birmingham, returned him at once, and he had retained the seat for seventeen years. No argument in favour of open voting could be more clear than his hon. Friend's return for North Warwickshire, and his retention of his seat for so long a period. The whole constitution of the country was based on the system of trusts openly exercised and governed by public opinion; and the reason why the Motion of the hon. Member met so little favour was, that the people of England demanded that they should have a public opportunity of exercising the influence of public opinion upon every one intrusted with any share of power in regulating their government. The attachment of the people and the country to open voting rested on their determination that public opinion should govern them. That public opinion formed the base of our common law, which common law constituted the safeguard of our freedom, and the people would not part with the controlling power which they exercised over every man intrusted with even the smallest amount of political power. The measure now proposed proceeded upon an unpopular basis, and therefore did not meet with the public favour. The hon. Member had asserted that the ballot was a Conservative measure, and that it would produce Conservative votes. He (Mr. Newdegate) was a Conservative, but he never desired to see one seat rescued from the people for the sake of placing a misrepresentative of public opinion on the benches of that (the Opposition) side of the House. He was as strong a Conservative of the free expression of Radical opinions as of Tory opinions. He and those with whom he acted were not there to defend despotism. The essence of despotism was secrecy, and they were opposed to the introduction of the system of secrecy in any shape, because as Conservatives of a free constitution they were the deadly enemies of despotism in every shape.

MR. POTTS said, the object of Parliament in granting the franchise was that the electors should give their votes freely and according to their consciences. They

had all heard of cases in which undue pressure had been put upon debtors to influence their votes at elections. He congratulated the House on having one of its Members—a member also of a noble family—who stood up for the rights of the people. He thought that the question for the House really was, whether the people were satisfied with the present state of things; and believing that they were not, he should give his vote for the second reading.

MR. LOCKE said, he could not allow the statement of the hon. Member for North Warwickshire (Mr. Newdegate), that his hon. Colleague (Mr. Spooner), having been rejected by intimidation at Birmingham, was at once returned by the county as a compensation, to pass without a remark. If such were the case, it was a very solitary instance; but the fact was that the counties were too well accustomed to intimidation, that they took it as a matter of course, and called it by another name; for they simply regarded it as following their leader, or rather their landlord. In Ireland, when a man was asked how he was going to vote, he always replied either for his priest or his landlord; and in England it was a well-known fact—it was all to be found in *Dod*—that if they had the names of the chief landed proprietors of the county, they knew the opinions of its representatives. Now, that was a most disgraceful state of things, which ought to be no longer tolerated. It was said that the opinion of the people was not favourable to the ballot; but no answer had been given to the speech of the hon. Member for Bristol, who had enumerated the names of the boroughs, containing an aggregate population of 8,000,000, which returned gentlemen in favour of the ballot to Parliament. Why was that the case? It was not because those persons themselves had been subjected to intimidation, for he would undertake to say that there were no constituencies less subject to influence than those constituencies which returned members who were in favour of the ballot. He would speak with respect to his own constituency—namely, Southwark, of which the great bulk of the electors were working men. No employer in that borough attempted to interfere with the vote of the persons working for him. But what was the question which amongst them was the most popular, and what the necessity which they considered the greatest?

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He unhesitatingly answered that it was vote by ballot. They did not want it themselves; but they knew full well that the country could not be governed by those Members who were returned by certain large constituencies, and that in the case of the great bulk of the Members of that House they were returned by constituencies amenable to intimidation; and therefore they believed that it would be for the benefit of the country at large that the ballot should be established.

MR. LYSLEY said, the object of the Bill was to put down intimidation and bribery; but, in his opinion, it would not succeed in doing so. Landlords and others who possessed influence would find that freedom of voting would in the end redound more to their advantage than intimidation. The Bill, so far from affording a remedy for bribery, would do exactly the reverse, for it would put a man in a position to take a double bribe. A friend of his who had once been a Member of that House had last winter returned from America, where he had been introduced to many persons who held the most advanced opinions in that country, and he told him that nine out of every ten of the thinking men there were agreed that universal suffrage and vote by ballot must be got rid of. He had the greatest possible confidence, that if the measure were passed, it would spread a great amount of demoralization among the electors of all small and wealthy towns, and he should therefore feel it his duty to vote against it.

Question put.

The House divided:—Ayes 126; Noes 211: Majority 85.

#### MARRIAGES (IRELAND) BILL.

[BILL NO. 69.] COMMITTEE.

Order for Committee read.

House in Committee.

SIR HUGH CAIRNS said, he rose to propose that the Chairman do leave the Chair, with a view of withdrawing the Bill. He regretted to have to do so, but it was impossible that the Bill, if it passed that House, should receive due consideration in the other House of Parliament at so late a period of the Session. It was quite clear that a Bill of such magnitude could never be satisfactorily carried through by a private Member; and he therefore hoped that the Government, having admitted more than once that there were many things in the marriage law of Ireland which

required a remedy, would introduce a similar measure next Session; and if they did, he should be prepared to give them every assistance.

MR. HADFIELD expressed his regret that the measure should be withdrawn, especially as Ireland was ripe for legislation on the subject.

MR. LEFRÖY said, he hoped that the Government, before introducing any Bill on the subject, would consult the heads of the Church in Ireland.

MR. HENNESSY said, at the close of the last Session he called the attention of the Chief Secretary to the state of the marriage law in Ireland, and strongly urged him to introduce a Bill upon the subject. The Yelverton marriage case had shown that the Roman Catholic clergy were labouring under penal disabilities, because if they celebrated a mixed marriage before the ceremony had been performed by a Protestant clergymen, they would be liable to punishment for felony. He hoped, then, the Government would turn their attention to the subject.

House resumed. [No report.]

#### METROPOLIS LOCAL MANAGEMENT ACTS AMENDMENT BILL—[BILL NO. 11.] COMMITTEE.

Order for Committee read.  
House in Committee.

Consideration of Clause proposed by Mr. Ayrton on 30th April resumed.

MR. LOCKE said, the object of the clause proposed by his hon. Friend the Member for the Tower Hamlets (Mr. Ayrton) was to give the ratepayers at large the right of electing members of the Metropolitan Board of Works, instead of the vestry being intrusted with that power. He (Mr. Locke) should support the proposal. The Metropolitan Board of Works had the power of taxing the whole metropolis; and he thought, as taxation and representation should go together, that the election of the members of that board should be in the hands of the whole body of ratepayers, and ought not to be confined to vestries and district boards, who, practically, always sent to the Metropolitan Board of Works members of their own bodies. The Select Committee who considered the subject came to the conclusion that direct election by the ratepayers would strengthen the position of the members of the board, and many witnesses gave it as their opinion that under a system of direct election the

members elected would be of a higher class and better calculated to discharge the duties of the situation than the men now on the board. Why, then, should there be a deviation with respect to these elections from the general rule prevailing throughout the country? It was not denied that there was upon the board a number of highly intelligent men; but, unfortunately, they did not, on account of the mode of election, possess the confidence of the inhabitants of the metropolis. That confidence could only be secured by direct election. No doubt that under the system of election which he advocated many of the present members would be re-appointed to office; but, no matter what might be the result, the change was necessary.

MR. TITE explained that the present system, according to which the Metropolitan Board of Works was constituted, arose out of the deliberations of the Royal Commission of 1853; and, notwithstanding all that had been said, the board was not unpopular, and performed their duties zealously and faithfully. Every district board and vestry had petitioned against an alteration in the constitution of the Metropolitan Board of Works. The appointment of members to that board was not the result of any close system of nomination, but the members were chosen simply because they enjoyed the respect of the inhabitants of their different localities, and were considered the proper men to represent them. The board was now engaged in the construction of the largest works ever committed to the management of any body of men, and he trusted that it would not be interrupted in its proceedings at such a moment by a change in the mode of electing the members on a mere suggestion. If, however, the change were necessary, it ought to be effected by a special measure, not by such a clause as that which it was proposed to insert in the Bill before the Committee.

MR. W. WILLIAMS said, he agreed that the principle of electing members of the Metropolitan Board of Works by the great mass of the ratepayers was a just principle; but he felt its operation would be attended with a vast deal more difficulty than seemed to have been anticipated. It would be especially unwise to make the alteration at the very time when the Metropolitan Board of Works was engaged in a vast and important undertaking.

SIR JOHN SHELLEY said, he would

admit that the board had well and faithfully performed their duties; but it could not be denied that great complaints had been made against them, and that they had been characterized as the "Board of Words," instead of a Board of Works. He deprecated any attack on the board, and he believed that the more their proceedings were inquired into, the more satisfactory would they prove. But he at the same time thought that direct election by the ratepayers at large would ensure for them greater confidence, and he should therefore support the proposition to that effect.

SIR GEORGE GREY observed, that the clause under discussion was one of a series which proposed to make a great change in the constitution of the board. He believed that it would be unwise to make such a change at the present moment; but if it were necessary, it ought to be accomplished by a special measure brought forward in a future Session, and not by the addition of clauses to a Bill which had already passed through Committee.

LORD JOHN MANNERS said, he did not think, that if the proposed alteration were made, it would be likely to place more efficient men upon the board than at present. It would be a most unfortunate thing if a great change were made in the constitution of the Board of Works by a clause at the fag-end of the Bill, especially in so thin a House. He therefore concurred in the suggestion of the right hon. Baronet, and he hoped it would be accepted by the hon. and learned Member for the Tower Hamlets.

LORD FERMOY said, that ever since he had had the honour of a seat for the borough which he represented, he had heard the Board of Works found fault with by Members in that House, but he had no evidence either public or private that his constituents or the inhabitants of the metropolis were discontented with that board. The absence of petitions was at least a proof that the Board of Works were not the unpopular body described. If they talked too much already, he did not see how the evil would be abated by the addition of forty more metropolitan members to it. The members of the board had proved themselves to be good men of business, and had carried out the important works intrusted to them in a manner creditable to themselves and advantageous to the public. The proposition of his hon. and learned Friend was, he believed, right

*Mr. Locke*

in the abstract, but he could not vote for it till he had better evidence that the people of the metropolis were discontented with the Board of Works.

MR. H. B. SHERIDAN said, he should support the clause, as he thought that the members of the Metropolitan Board should be elected directly by the ratepayers. Some of the proceedings of the board, as constituted, had created great dissatisfaction in the metropolitan districts, and there was an almost unanimous feeling in favour of an alteration in the mode of election.

MR. HARVEY LEWIS said, he rose to express his concurrence in the views expressed by his noble Colleague. Neither in public nor in private had he received any communication from his constituents expressing a desire to have the constitution of the board changed. He believed that the object of the clause was to defeat by a side-wind an important and useful Bill. He did not believe that, even if carried into effect, it would make any material alteration in the constitution of the Metropolitan Board. The hon. and learned Member for the Tower Hamlets would exercise a wise discretion in bringing it forward as a separate measure.

MR. AYRTON said that Marylebone stood in a different position from the rest of the metropolis, for it had its own particular council, which assumed to itself most extraordinary powers. Still he was surprised that the inhabitants of a constituency which identified itself with the progress of the country should assert, through the mouths of their representatives, that nomination was preferable to election. He did not think that opinion was shared by any of the metropolitan community. Everywhere else the conviction was entertained that the ratepayers should have a direct voice in the election of Members to the Metropolitan Board. Surely there was nothing very extravagant in the proposition that the Metropolitan Board should be elected under the same conditions as the House of Commons. It had been said that the board was entitled to public confidence, but the Thames Embankment Bill was neither more nor less than a declaration that the board was only fit to do the work of bricklayers and masons. His object was to elevate the members of the board, but it was far from his intention to cast pearls before swine; and, since his clause was opposed by the representatives of the

board, he was disposed to act upon the suggestion of the right hon. Gentleman the Home Secretary, reserving to himself the right to bring forward his proposition on a future occasion as a substantive measure.

*Clause withdrawn.*

MR. LOCKE said, he proposed after Clause 109 to insert a clause providing, that in compensation cases, where the parties felt themselves aggrieved by the ruling of the assessor or by the finding of the jury, it should be lawful to apply to one of Her Majesty's Superior Courts in Westminster Hall for a new trial or re-hearing of the case, or for the reduction or increase of damages. He only wanted that the same rule should apply to compensation cases as applied to all other cases. It frequently happened that very nice points of law arose upon these compensation cases, which it was desirable should be determined by a superior court of law.

MR. TITE said, that a proposition which made so extensive an alteration in the law of the land should not be introduced in a Bill of the kind under consideration. He could not believe that the Committee would listen to it for a moment. It might or it might not be right to give such an appeal, but so important a question ought to be discussed on its own merits and as a general principle.

SIR JOHN SHELLEY said, he hoped his hon. Friend would not think it necessary to press the Amendment on that occasion. He could at a future time turn his attention to the question of compensation.

MR. LOCKE said, he would withdraw his Amendment, as the feeling of the Committee seemed to be against it, though nothing had been said against the justice of his proposal.

*Clause withdrawn.*

MR. HARVEY LEWIS said, he wished to move a clause to follow Clause 10, to the effect that vestries might have the power of including in the sewers rate precepts of the Metropolitan Board.

*Clause agreed to.*

MR. COX said, he had to move a clause repealing Section 6 of the 18 & 19 Vict., c. 120, and enacting in lieu thereof that the vestry elected under the Bill in any parish should consist of persons rated or assessed to the relief of the poor in

respect of the occupation of any house, lands, tenements, or hereditaments in such parish.

Clause (Repealing Section 6 of 18 & 19 Vict., c. 120) *brought up*, and read 1°.

MR. TITE said, that judging from his experience, he thought it would be undesirable to alter the qualification for vestrymen. He must oppose the clause.

MR. AYRTON said, he could not but express his surprise at the opposition of the hon. Member for Bath. He would do better to carry out the wishes of the parent of the Bill, Mr. Bristow, and support the clause.

Question put, "That the Clause be read a second time."

The Committee *divided*: — Ayes 24; Noes 48 : Majority 23.

VISCOUNT ENFIELD said, that on behalf of his hon. Friend Sir J. Paxton, he had to move a clause for re-apportioning the sum of £28,111, charged on the late Fulham and Hammersmith districts, among the parishes in that district.

MR. TITE said, that he saw no reason why a measure should be passed in favour of two districts only, which had been rejected on behalf of the metropolitan districts generally.

Clause withdrawn.

MR. LOCKE said, he wished to move a clause rendering persons in receipt of fees or poundage, or other emolument by way of salary, out of the rates and taxes, ineligible to be elected as vestrymen.

Clause (Persons in receipt of Fees or Poundage not to be eligible to be elected as Vestryman, &c.) *brought up*, and read 1°.

MR. LAYARD said, he was sorry to oppose his hon. and learned Colleague, but he had received very strong representations from many of his constituents against the clause. Its effect would be to exclude many most competent persons from the board.

MR. AYRTON said, he hoped that the proposition of his hon. and learned Friend (Mr. Locke) would not be pressed as it stood, although it might be valuable in a modified shape.

SIR GEORGE GREY said, he did not think sufficient grounds had been stated for making a change in the law on the subject.

Mr. Cox

MR. LOCKE said, he should take the sense of the Committee on the clause.

Question put, "That the Clause be read a second time."

The Committee *divided*: — Ayes 29  
Noes 48 : Majority 19.

MR. AYRTON said, he wished to propose a clause repealing Clauses 30 and 41 of the Metropolis Local Management Act, which provided that the chairman of the board should be elected only for the day, unless in the case where a clergyman or churchwarden, otherwise qualified, was present; and enabling a vestry or district board to elect its chairman, who should continue in office for one year.

SIR GEORGE GREY said, he knew very little about the practice of the vestries and district boards, but he thought it would be undesirable to change the existing practice, without cause shown.

SIR JOHN SHELLEY said, that the practical working of the clause would relieve the rectors of parishes, who felt themselves bound to preside over vestry meetings, from a very unpleasant duty.

COLONEL FRENCH said, he saw no ground for the innovation, and he should oppose the clause.

MR. TITE said, he must oppose the clause.

Clause negatived.

LORD FERMOY said, he wished to move the addition of a clause giving power to vestry and district boards to contract for the removal of manure from stables and cowhouses.

MR. TITE said, as the clause was entirely permissive, he would not oppose it. Clause added to the Bill.

House resumed.

Bill reported; as amended, to be considered on Monday next, and to be printed [Bill 181].

#### STIPENDIARY MAGISTRATES BILL.

[BILL NO. 72.] SECOND READING.

Order for Second Reading read.

MR. H. B. SHERIDAN said, he rose to move the second reading of the Bill. He proposed, in case the House assented to the second reading, to go into Committee *pro forma* on the following day, with the view of making in it certain alterations.

SIR GEORGE GREY said, that under

these circumstances he would not oppose the second reading, but he had objections to the Bill as it stood.

Bill read 2<sup>o</sup>, and committed for To-morrow.

**FISHERIES (IRELAND) BILL.  
[BILL NO. 170.] COMMITTEE.**

Order for Committee read

LOD FERMOY said, the Motion was unprecedented. The Bill had been before a Select Committee, and the evidence taken before it had not been printed, and it was unusual to press a Bill on in the absence of the evidence. The Government officials, who had put forward the hon. Member for Wexford, were anxious to push on the Bill unfairly. The measure affected property in Ireland to the value of nearly £100,000,000 a year, the owners of which had not had an opportunity of being heard before the Select Committee. He contended that there was a good case for sending back the Bill to the same Committee for further inquiry, or submitting it to a new Committee. The measure was a mere job, for the purpose of enriching a few private owners of fisheries in Ireland.

MR. M'MAHON intimated his intention to postpone his Motion.

COLONEL FRENCH objected to the postponement. Charges had been made against the members of the Committee which they ought to be allowed to answer. The Bill was an important one, and every opportunity of pressing it ought to be seized.

Committee deferred till Friday.

**BIRTHS AND DEATHS REGISTRATION  
(IRELAND) BILL—[BILL No. 20.]  
COMMITTEE.**

Order for Committee read.

SIR ROBERT PEEL said, he wished to take that opportunity of stating to the House, that in consequence of the very late period of the Session at which they had arrived, together with the difficulty that had arisen as to the persons who should undertake the duties to be created by the measure—a great difference of opinion existing as to the propriety of intrusting them to the constabulary, or to the medical officers of districts—and seeing also that the hon. and learned Member for Belfast (Sir H. Cairns) had withdrawn his Bill on the Marriage Law of Ireland, the Government did not intend to proceed fur-

ther with the measure for registration during the present Session. He therefore begged to move that the order be read and discharged.

Order discharged; Bill withdrawn.

**THAMES EMBANKMENT BILL.  
[BILL NO. 162.] OBSERVATIONS.**

MR. AYRTON said, that as the Bill stood for discussion on the following evening, he wished to point out to the First Commissioner of Works that hon. Members had not received the plans and papers, without which it was impossible for them to comprehend the bearing of the evidence that had been taken by the Select Committee.

MR. COWPER said, he had been assured by the printer that the documents would be in the hands of hon. Members on the following morning. A rapid glance would enable hon. Gentlemen to understand their bearing.

House adjourned at a quarter before Six o'clock.

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**HOUSE OF LORDS,  
Thursday, July 3, 1862.**

**MINUTES.]—PUBLIC BILLS.—1<sup>a</sup> Confirmation of Sales, &c.; Coal Mines; Harbours Transfer; Juries; Newspapers, &c.; Petroleum; Police and Improvement (Scotland); Legitimacy Declaration Act (1858) Amendment; Leases and Sales of Settled Estates Act Amendment.  
2<sup>a</sup> Sale of Spirits; Game Law Amendment (No. 2).  
3<sup>a</sup> Liverpool Fire Prevention Acts Amendment; Education of Pauper Children; Unlawful Oaths (Ireland) Act Continuance; Discharged Prisoners' Aid.**

**LEASES AND SALES OF SETTLED  
ESTATES ACT AMENDMENT BILL.**

PRESENTED. FIRST READING.

LORD CHELMSFORD presented a Bill to amend the Settled Estates Act, 1856. The noble and learned Lord stated that by the 21st section of that Act, it was provided that no leases of a settled estate should be authorized by the Court of Chancery in cases in which application had been made to Parliament for a private Bill to effect the same or a similar object, and such application had been refused on the merits. The principal object of this amending Bill was to meet the case of Sir Thomas Wil-

son, which had been frequently under the notice of Parliament. Sir Thomas Wilson had made several applications to Parliament for such powers, and his Bills had once or twice received the sanction of one of the Houses of Parliament, and been favourably reported upon by the Judges. As they had all ultimately been rejected, however, he was precluded by the section to which he had referred from taking advantage of the Leases and Sales of Settled Estates Act. What he proposed to do by this Bill was, to provide that an application to Parliament should not be deemed to have been rejected on its merits or reported against by the Judges, if any other application for power to effect the same or a similar object should have passed either House of Parliament, or should have been approved by the Judges to whom such Bill might have been referred. On the second reading he would refer to the circumstances of Sir Thomas Wilson's case, in order to satisfy their Lordships that they ought to assent to this alteration of the law.

Bill read 1<sup>st</sup> [No. 150].

#### HIGHWAYS BILL—[BILL No. 93.]

##### COMMITTEE.

House in Committee (according to Order).

Clauses 1 to 4 agreed to.

##### Clause 5 (Provisional Order of Justices).

THE EARL OF CARNARVON objected to the provision that the final order of the justices in Quarter Sessions confirming the provisional order of the petty sessions as to highway districts should not be valid unless approved by the Secretary of State. He held that the Quarter Sessions formed the proper court of appeal in such a case, and that their decision ought to be conclusive. If the Secretary of State were to have any control over the distribution of the money, he could understand it; but the formation of highway districts was a purely local matter, and ought to be dealt with by the local authorities. There was an excessive tendency to invoke on every occasion the interference of the Secretary of State. The control of the Secretary of State was salutary, but it was salutary only when limited to subjects within his comprehension; and this was not one of those matters. It would relieve the local authorities of a sense of responsibility which they ought to feel, and it would impose on the Secretary of State a task which it

*Lord Chelmsford*

would be utterly impossible for him to perform. He would therefore move the omission of the last two lines of the clause.

LORD STANLEY or ALDERLEY said, he did not see what objection there could be to the order being approved by the Secretary of State, and it certainly would give any dissatisfied parish the opportunity to state reasons, and request that the order might not be affirmed.

LORD EGERTON thought it would be a waste of time, and a useless matter of form, to refer to the Secretary of State upon such a purely local question.

THE DUKE OF NEWCASTLE reminded their Lordships that the Bill was not compulsory. There was the greatest possible jealousy among parishes as to any combination for highway purposes, and it would materially diminish opposition if the Bill declared that the decision of the justices should not be final. It might be almost a matter of form, but it would have the appearance of an additional security.

LORD LYVEDEN said, it placed a veto in the hands of the Secretary of State, which might discourage justices from making efforts to bring the Bill into operation. If an appeal were allowed to objecting parishes within a certain time, it might not be objectionable; but this was not an appeal.

EARL GREY thought there ought to be an appeal to some impartial person, and there could be none better than the Secretary of State. If these words were struck out, there would be no appeal at all. The Court of Queen's Bench could not act as a court of appeal in questions of expediency and convenience such as these; and, in fixing the Secretary of State, the Bill only followed the analogy of other Acts.

THE EARL OF MALMESBURY agreed with the noble Baron opposite (Lord Lyveden) that to give this power of appeal would frequently discourage justices from taking the initiative. He could see no reason why the Secretary of State should be called in to discharge duties which were so entirely foreign to the proper duties of his office.

THE EARL OF CARVARVON denied that the Bill in giving the appeal to the Secretary of State followed the analogy of other Acts.

LORD STANLEY or ALDERLEY said, that as there seemed a general concurrence of opinion that this power of appeal was unnecessary, and as he himself attached

very little importance to it, he would not further oppose the Amendment.

Amendment *agreed to*; Words struck out; Words added; Clause, as amended, *agreed to*.

Clauses 6 to 30 *agreed to*, with Amendments.

Clause (Officers appointed by Highway Boards to render Accounts) *added*.

Clauses 31 to 34 *agreed to*, with Amendments.

Clause 35 (Provision as to Roads laid out).

LORD WODEHOUSE *moved*, to insert words "and with the consent in writing of the owner and occupier of every part thereof."

Amendment, after a short discussion, *agreed to*.

LORD PORTMAN thought that the law on this point was better as it now stood, and therefore moved to disagree to the clause as amended.

LORD STANLEY or ALDERLEY said, the clause was useful, and hoped his noble Friend would withdraw his Motion.

On Question, Whether the said clause as amended, shall stand Part of the Bill? *Resolved in the Affirmative*.

Clause 36 *struck out*.

Clauses 37 to 39 *agreed to*.

Clause 40 (Provision in case of Failure of Board to hold First Meeting).

EARL POWIS thought it was unfair to impose such a liability upon the justices who undertook voluntary and gratuitous duties.

LORD STANLEY or ALDERLEY could not allow that, under the circumstances, the provision was unreasonable.

Clause *agreed to*.

Clauses 41 to 43 *agreed to*.

Clause 44 (Provisions of Principal Act to be applicable to Highways under Local or Personal Acts).

THE DUKE OF RICHMOND *moved* to add words at the end—

"Except highways which any railway company, or the owners, conservators, commissioners, trustees, or undertakers of any canal, river, or inland navigation, are liable by virtue of any Act of Parliament relating to such railway, canal, river, or inland navigation to make, maintain, repair, or cleanse."

Amendment *agreed to*.

Clause, as amended, *agreed to*.

Remaining Clauses *agreed to*.

Bill *reported*, with the Amendments [No. 151.]

GAME LAW AMENDMENT (No. 2) BILL.  
[BILL NO. 137.] SECOND READING.

LORD BERNERS, in moving the second reading of this Bill, said, that he had received numerous letters from a great many places in different parts of the kingdom, expressing approval of it, and declaring the evils it was intended to remedy as unbearable. The Bill was very different from the one which he had withdrawn. It was much shorter and more simple. The preamble stated that "whereas night-poaching and murderous assaults upon police constables, gamekeepers, and servants legally appointed had lately increased, and it was expedient that the laws now in force should be amended for the better prevention of such crimes;" and the first clause, following the provisions of the Metropolitan Police Act, provided that between sunset and eight o'clock in the morning any constable of the county police might, without warrant, search and take into custody any person upon any highway, street, or public place, whom he had good cause to suspect of having unlawfully any game, eggs of game, hares, or rabbits, or any nets or engines to take the same, in their possession; and might stop, search, and detain any boat, cart, or conveyance in which there should be reasonable cause to suspect that any such game, or engines for the capture of game was being carried, and to apprehend all such persons and bring them before a justice of the peace. The other clauses provided, that if such person or persons could not satisfactorily account for the possession of such game, or engines, the magistrate might inflict a penalty of £5. The Bill also provided that game-dealers should keep a register of the game they bought.

EARL GRANVILLE said, that without committing himself to an approval of the Bill, he had no objection to the second reading, on the understanding that it should be referred to a Select Committee, who would carefully consider its provisions.

After a few words from Lord POLWARTH, the Earl of STRADBROKE, and Lord RAVENSWORTH,

Bill read 2<sup>a</sup>, and *referred to a Select Committee*: The Lords following were named of the Committee:—

|                |                |
|----------------|----------------|
| D. Cleveland.  | L. Lilford.    |
| E. Derby.      | L. Portman.    |
| E. Romney.     | L. Overstone.  |
| E. Grey.       | L. Cranworth.  |
| E. Stradbroke. | L. Chelmsford. |
| V. Eversley.   | L. Lyveden.    |
| L. Berners.    | L. Taunton.    |

COURTS OF THE CHURCH OF SCOT-  
LAND BILL—[BILL No. 141.]

COMMITTEE.

House in Committee (on Re-commitment), according to Order.

Clause 1 (When a Libel found relevant against a Minister, Presbytery may require and enjoin him to abstain from the Discharge of his Functions).

THE EARL OF DALHOUSIE said, that no explanation was given of the objects of this Bill on the Motion for its second reading. Yet it was a Bill which seemed to him to be one of the most extraordinary proposed within his experience. It was in every respect a most objectionable measure. In the first clauses it applied for powers purely spiritual, and in the latter for clauses purely civil. Individually speaking, it was of little moment to him whether they established courts of justice with spiritual powers or not; but he altogether protested against the application for temporal powers. As the law now stood, if a clergyman was guilty of any fault for which a charge, or what in Scotland was called a libel, was brought against him, the presbytery to which he belonged, if they considered that a *prima facie* case had been made out for carrying that libel to a prosecution, could do so; but they now asked Parliament to give them power to suspend him from the exercise of his spiritual functions *pendente lite*. It might be that they had such a power already; but if such a power was not already vested in them, it was a question with which they had no right to interfere. It touched nothing temporal; it was a spiritual proceeding, and therefore the Established Church had the power of improving herself in this respect without coming to Parliament. He was astonished that the Established Church should have so far forgotten its own dignity, and he believed its own power, as to come to the Legislature on a subject like this. If there was any chance of healing the unhappy religious division which existed in Scotland, such a proceeding as this was enough to put an end to such an expectation. Then the Bill proposed to invest the Established Church with a power which had never yet been intrusted to her. From the time of the Reformation in 1560 to the present day, all matters in controversy before the Church courts had been carried on by witnesses who appeared there voluntarily and

spoke as their consciences dictated. If they refused to appear, their scruples had heretofore been respected. But now, by the 4th clause of this Bill, the attendance of such persons as witnesses, no matter what might be the conscientious objections, was made compulsory. If the Church of Scotland still remained what it formerly was, the Church of the great majority of the people, there might have been some ground for asking that this power should be given to her courts. But it was not so; the Established Church of Scotland did not number among its adherents one-third of the people of Scotland. To compel witnesses belonging to other sects to come into her courts was not the plan the Established Church should adopt to reconcile herself to the people of Scotland. He did not make these remarks from any hostility to an Established Church, for he did not believe that Scotland would thrive unless the Church was to some extent patronized by the State, but because he believed the Bill was one which would not promote peace, but enmity between the Churches. He should have opposed the second reading of the Bill had he been present when it was moved.

THE EARL OF SELKIRK said, it was indispensable to the conduct of judicial or quasi judicial proceedings that there should be a power of compelling witnesses to attend. If witnesses were to appear at all, they should come forward in a legal and proper way.

THE DUKE OF ARGYLL said, that his noble Friend partly admitted that with regard to the first clause of the Bill the power already existed, and yet he complained that the Established Church now came to Parliament to ask for such power. It was more than doubtful whether any legal action would arise if it was exercised now. The members of any body who were governed by rules and regulations, if dealt with unjustly according to those rules, could have recourse to the civil law, and that applied to the Free Church as well as to the Established Church. With regard to the power of calling witnesses, there was no doubt that as the Presbyters were a legal tribunal, it was right they should have the ordinary powers of ascertaining facts. He questioned whether it was worth while to persevere in the opposition to these clauses. There could be no doubt that they did not confer upon the Church courts any civil power.

After some remarks from Lord POLWARTH and the Earl of DALHOUSIE,  
Clause agreed to.

Remaining clauses agreed to : Amendments made : The Report thereof to be received To-morrow; and Bill be printed, as amended [No. 153].

House adjourned at a quarter past Eight o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, July 3, 1862.

MINUTES.]—PUBLIC BILLS.—2<sup>o</sup> Parochial Buildings (Scotland); New Zealand.  
3<sup>o</sup> African Slave Trade Treaty; Pier and Harbour Orders Confirmation; Sheep (Ireland).

GREAT NORTHERN AND WESTERN (OF IRELAND) RAILWAY BILL.

RESOLUTION.

COLONEL WILSON PATTEN said, he rose to move that the Resolution, which upon the 17th day of June last was reported from the Select Committee on Standing Orders, in relation to the Great Northern and Western (of Ireland) Railway Bill, be re-committed; and that the Petition of the Great Northern and Western (of Ireland) Railway Company, praying for dispensation with the Standing Orders, deposited in the Private Bill Office this day, be referred to the said Committee; and that it be an Instruction to the said Committee, that they have power to inquire into the allegations contained in such Petition, and to report to the House whether the special circumstances therein stated are such as to render it just and expedient that the Standing Order should be dispensed with.

MR. ENNIS said, that as chairman of a railway company in Ireland, whose interest would be affected by the Motion of the hon. and gallant Gentleman, he could not but complain of the suddenness with which that Motion had been made. It was only on the previous night that notice was given in the Private Bill Office that the application would be made. They knew nothing of the allegations contained in the Petition, and he trusted, therefore, the hon. and gallant Gentleman would defer his Motion for a few days.

COLONEL WILSON PATTEN said, he

only asked that the subject should be referred back to the Select Committee of Standing Orders for reconsideration.

MR. MASSEY said, it was the usual course for the House to accede to a Motion of the kind.

Motion agreed to.

PAROCHIAL ASSESSMENTS BILL.

[BILL NO. 144.] COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. KNIGHT said, he objected to the Bill as one that was wholly unnecessary and excessively in favour of the towns against the country. It was an attempt by the Central Board in London to take into their own hands the management of all the local rates in England. The only difficulty which had hitherto stood in their way was the difference of rating in the various parishes. He therefore thought that the Bill ought not to pass without protest, and he should accordingly move, that the House should go into Committee on that day three months.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee,"—instead thereof.

MR. HENLEY said, that the Bill professed to have two objects. First, to get a parish rated fairly as amongst the parishioners; next, to have parishes rated equitably as between themselves. With respect to the first point, he thought it would be far better to leave that question to be settled by the inhabitants of a parish, as at present. He, for one, should not like to see the power which parishioners possessed of rating themselves taken out of their hands. The second branch of the Bill was the more legitimate of the two; but, oddly enough, it did not take one single step in the direction it proposed. The machinery it provided, with a view to the equitable rating of different parishes within the same union, was as bad and cumbrous as well could be, and therefore would be found ineffectual to carry out the object which they all desired to see effected. The Bill proposed that the parish overseer should make a valuation

of all the hereditaments within the union, and that was to be done within three months. The consequence would be, that there would be several valuers; and as it was well known that there were high and low valuers, the valuations might differ one from another to the extent of 15 per cent. The complete valuation was then to be sent to a committee consisting of not less than six and not more than twelve Poor Law guardians, who, when they had considered it, were to send it to the parishioners. They had twenty-eight days to bring objections before the several boards of guardians, and they had twenty-eight further days to reconsider. At the end of that time it was to be sent back to the parishioners, and ultimately to the boards of guardians again. That process might be repeated so often — each alteration eliciting a fresh objection — that it was impossible to say at what period the valuation would be finally settled. Such was the machinery contemplated by the Bill, and it was to be put in motion at the end of each year, so as to include new houses erected, and to strike out old houses pulled down. He believed that the Bill would drive the whole community of England to a professional survey and valuation of every parish at an expense that would be enormous. A professional valuation of his own county, which was a small one, would cost between £20,000 and £30,000. All that was now required was that the gross valuation of each parish should be ascertained on a uniform system. Where parishes were rated unfairly between each other, the Bill made no provision for settling that difference in an inexpensive manner. It was better that the Bill should be further considered before it was passed, and that some machinery should be introduced to enable an unfair rating of parishes among each other to be adjusted in some other way than by an appeal to quarter sessions: that must be a source of great expense. He doubted whether the Bill would work at all; and if the whole kingdom was to be driven into an official valuation, they ought to know what it would cost. He supported the Motion proposed by the hon. Member for Worcestershire.

**MR. BARROW** said, that speaking from his own experience as a chairman of a large board of guardians, he differed from the view of the measure taken by the right hon. Member for Oxfordshire. He believed that a revision of the rating

was absolutely necessary, and he thought that the boards of guardians would be the least inexperienced body to which that duty could be intrusted. He should object to an appeal being allowed to the quarter sessions against the valuation, except as a last resource. He thought that the assessment committees, which the Bill would enable the guardians to appoint, would, from their local knowledge and experience, be as competent and certainly a less expensive tribunal for deciding a question of that nature. The good sense of the ratepayers and the guardians would enable them to avoid any great expense. The boards of guardians consisted of the principal ratepayers, and it would be their own interest to make a fair valuation. An overseer of a parish could not call in the aid of a professional valuer without the previous consent of the board of guardians.

**MR. POULETT SCROPE** said, that if he thought the Bill deserving of the character which the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) had given to it, he would certainly not support it. He believed, however, that the main object of the Bill, namely, equalizing the rates of the various parishes in a union, would be effected by the machinery it provided. The principal objection of the right hon. Member was that no effectual appeal was provided for parishioners who felt themselves aggrieved. The 16th clause, however, provided an appeal to a committee of guardians representing the various parishes, who would, no doubt, be anxious to have a fair adjustment and distribution of the rating carried out. It would be a great advantage if a fair and correct valuation of parishes were established, and he believed the Assessment Committee would be able to effect it. Their valuation would be a valuable statistical document. No exception had been taken to the principle of the measure, and its details could be fully considered in Committee.

**MR. THOMPSON** said, he was of opinion that the greatest benefit would result from the operation of the machinery which the Bill proposed as it would facilitate the more equitable adjustment of rating. The present law of rating bore very unjustly on railway companies. As soon as it was decided in the Select Committee to omit those clauses which altered the law of rating, the Bill became simply one to improve the machinery by which the

present law was to be carried into effect, and it was decided, on the part of the railway companies not to oppose its further progress. As to the defects pointed out by the right hon. Member for Oxfordshire, he thought the Assessment Committee selected from the board of guardians would deal with them more satisfactorily than the overseers of country parishes did at present. The Bill gave a power of appealing against a valuation, which could not be done now. The only power of appeal at present was against the rate after it was made. The valuation was to be made accessible to any ratepayer, who would be able to make his appeal, if aggrieved, at an earlier stage than he could do under the existing law, and when it was more likely to be successful. He thought the Bill ought to be allowed to go into Committee.

COLONEL BARTTELOT said, he thought many parts of the Bill were good; but it did not contain any clear, distinct principle of rating that might be generally applicable. There was the assessment for the property and income tax, for the county rate, and for the parochial rates. In passing a new law, they should lay down some distinct principle to guide them.

MR. HUMBERSTON said, he believed the Bill was a great improvement on the present system, though there were some defects in its details. The assessment committee of guardians, he thought, would be quite competent to deal with the questions that would arise.

MR. PULLER observed, that the necessity for a Bill which would do justice as between parish and parish was admitted by the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), who expressed himself in favour of a gross valuation merely. He should contend, however, that a gross valuation was merely an aggregate of the valuations of the various tenements within the parish. The only way in which such a valuation as would enable the rating to be equitably distributed over the union could be obtained, was to have regard to each tenement. He believed that to the guardians, in whom the ratepayers had confidence, should be intrusted the duties which the Bill proposed to have discharged by the parish overseer. With respect to the question of appeal, he would have more confidence in the decision of a committee of guardians in such matters than in that

of a court of quarter sessions. He knew of several cases in which imperfect valuations had been acted upon, and other cases in which they had been altered to suit the interests of influential parties in the parishes, and they knew this was submitted to because the ratepayers did not wish to incur the expense and trouble of an appeal to the quarter sessions.

MR. BENTINCK said, he could not but admit the necessity for some legislation on the subject; but he did not think the Bill treated it in the right way. Correct the Bill as they might, it would still be a source of expense to the rural districts, and he had another objection to the measure—that, like all modern legislation, it had generally a centralizing character. On these grounds, he should oppose going into Committee.

SIR LAWRENCE PALK said, he was at a loss to discover how the Bill would insure a uniform and accurate valuation of parishes. If the valuation were to be intrusted to several persons, he doubted whether it would be either uniform or correct. He considered the machinery of the Bill as likely to lead to jobbery and great expense. He should oppose the progress of the Bill.

COLONEL GILPIN said, he thought the Bill passed last year rendered the present measure absolutely necessary. He should vote against the Amendment.

MR. C. P. VILLIERS said, he had been unwilling to interfere with a discussion that was likely to elicit the general opinion of the House as to the measure; but, knowing the great value of time at that period of the year, he would make an appeal to the House to consent to go into Committee on the Bill. There had recently been no discussion on the principle of the measure. Hon. Gentlemen who had spoken had gone into points of detail, anticipating what would have been their arguments in Committee. The hon. Gentleman who had moved the Amendment against the Speaker leaving the chair had hardly said a word on the merits of the Bill. The right hon. Member for Oxfordshire had only pointed out difficulties that would exist whether the Bill was passed or not. His objections were almost entirely to the expense of the valuation. The same objection existed under the present system. New valuations must be made; there had been no less than 2,000 made within the last few years. The right hon. Gentleman must himself admit that the present

system was full of striking contrasts and irregularities in the valuations; and there must be ignorance or something worse at the bottom of them. The chief causes of the irregularities were neglect, influence, and interest. As to the expense of new valuations, that point had been well considered by the Committee. As the Bill was drawn it was not thought advisable to prescribe to the guardians the form in which they should make the valuation; consequently the mode of doing it was not directed. He denied that there was anything of a centralizing character in the Bill. A copy of it had been sent to all the boards of guardians in the kingdom; and 150 of these boards were desirous of acting on the measure. The Bill of last year had left existing cases of glaring injustice; and there was a strong necessity for further legislation. The utmost care had been taken in the framing of the measure to provide against litigation and expense. It enabled a parishioner to appeal personally to a committee of guardians, whereas he was compelled to engage professional gentlemen to bring his case before a court of quarter sessions. The Bill had been well considered by the Committee; the question had been frequently before the House. In fact, the subject had, at different times, been before Parliament no less than twelve years. After the full consideration the question had received there could be no ground for rejecting a measure supported by such a mass of evidence. He therefore ventured to appeal to the House to allow the Bill to go into Committee, as no objection to its principle had been shown.

Question put "That the words proposed to be left out stand part of the Question.

The House divided:—Ayes 94; Noes 41: Majority 53.

Main Question put, and agreed to.

House in Committee.

Clauses 1 to 6, inclusive, agreed to, with Amendments.

House resumed.

Committee report Progress; to sit again on Tuesday next, at Twelve of the clock.

#### ROMAN CATHOLIC INSPECTORS OF SCHOOLS.—QUESTION.

Mr. HALIBURTON said, he wished to ask the Vice President of the Committee

Mr. C. P. Villiers

of Council on Education, Whether it be true that one or more Roman Catholic Inspectors of Schools furnished the Priest superintending Roman Catholic Schools with the Examination Papers previously to the Examination at such schools; and, if so, what steps have been taken by the Government with respect to such Inspector or Inspectors?

MR. LOWE said, he was sorry to say that some time ago a charge was made against one of the Inspectors of Schools, of having given copies of the Examination Papers to a Priest, and some persons connected with a school. The charge was investigated, and the Inspector resigned.

#### THE "ENTERPRISE" SLOOP.

##### QUESTION.

MR. C. BERKELEY said, he rose to ask the Secretary to the Admiralty, If there is any objection to give further information relative to the alterations published in the *Navy List* with regard to the sloop *Enterprise*, building at Deptford; is she to be wholly cased with iron-plates of an uniform thickness, and, if so, how thick will those plates be; is she intended for sea-going purposes, or for harbour service only; is the stated increase of her tonnage caused by adding to her length or to her breadth; when will she be launched, and how soon afterwards will she be ready for trial; what will her armament be; and will her guns be protected by the cupola; in the event of the experiment being successful, how many sloops or corvettes are there which could be converted in a similar manner?

Lord CLARENCE PAGET said, that the *Enterprise* was a vessel which it had been intended to call the *Circassian*. She had not been enlarged, as his hon. Friend seemed to think; but as she was being constructed under the superintendence of Mr. Reed, the Secretary of the Institute of Naval Architects, and was of a very novel construction, the Admiralty thought the name *Enterprise* would be more appropriate than the name originally intended for her. With regard to the other details asked for by his hon. Friend, he was afraid he could not say more than that she was to be partially iron-plated, and was to be a sea-going vessel.

## WORKS IN KENSINGTON GARDENS.

## QUESTION.

MR. HARVEY LEWIS said, he would beg to ask the Chief Commissioner of Works, When the works in Kensington Gardens, at the head of the Serpentine, will be completed?

MR. COWPER replied, that there had been an unexpected delay in fitting a pump to the well sunk at the head of the Serpentine; but he hoped that the whole of the works would be completed before long.

## THAMES EMBANKMENT COMMITTEE.

## QUESTIONS. EXPLANATION.

MR. AUGUSTUS SMITH said, he wished to ask, Why the Correspondence between the Treasury and the Board of Works and the Woods and Forests had not been laid on the table, in accordance with a Resolution which had been moved some time ago?

MR. GARNETT said, he had a further question to ask upon the same subject. He wished the hon. Baronet the Member for Westminster to explain how it was that a Resolution which had been passed by the Committee did not appear upon the minutes of the proceedings of the Committee that were first issued. He thought it an act of justice to a deserving officer of the House that some explanation should be given.

SIR JOHN SHELLEY said, that after the direct appeal that had been made to him he would, with the permission of the Committee, answer that appeal. But in order that the subject should be clearly understood, it was necessary that he should state how the question originally arose on which the Committee arrived at its Resolution. On the 15th May, almost immediately after the Committee commenced their proceedings, Mr. Hope Scott, who was counsel for the Crown lessees, stated that a memorial had been presented by the Duke of Buccleuch and others to Mr. Gore in the previous September; that some correspondence took place on the subject, and that that correspondence was moved for in the House of Commons on the 20th of February, but was refused on the ground of expense. The Motion to which the learned counsel referred was made by the hon. Member for Perth (Mr. Kinnaird), and was to this effect—

"Copy of all Correspondence between the Treasury, the Office of Works and Buildings, and the Office of Woods, in reference to the Report of the Thames Embankment Commission, and any Bill to be founded or introduced on such Report."

The notice of that Motion was given on the 15th, and the Motion was made on the 20th of February. The answer of the right hon. Gentleman the Chief Commissioner was, that he did not think the production of the correspondence would be of such public utility as to justify the expense of printing it. Upon the statement of the learned counsel, that it was important that this correspondence should be brought before the Committee, he (Sir John Shelley) moved a Resolution in the exact words of the Resolution moved in the House by the hon. Member for Perth. When the room was cleared, the Chief Commissioner (Mr. Cowper), who was Chairman of the Committee, stated that that correspondence included various matters in relation to Bills and portions of Bills, and other things which had not now been brought before Parliament; but that if the Committee were content, he would lay before them such portions of the correspondence as he thought bore upon the case. On the 16th June Mr. Hope Scott again alluded to the subject, and said that the Duke of Buccleuch and the Crown lessees thought it was desirable that the whole of the correspondence on the subject should appear, and also a plan of the roadway mentioned in the report of the Treasury. The learned counsel added that he was instructed that that correspondence had an important bearing upon the case, and that it was desirable that it should be embodied in the Minutes of Evidence. Upon that he (Sir John Shelley) proposed the Resolution again, and the right hon. Gentleman the Chief Commissioner then stated that he would produce as much of the correspondence as he thought bore upon the case. The correspondence was laid before the Committee, who, after due deliberation, came to the conclusion, that as it purported to be only a portion of what had passed, it was not satisfactory, and that as the subject had been much discussed out of doors, they were of opinion it was necessary to its being thoroughly understood that all the correspondence should appear. In consequence of that, he (Sir John Shelley) moved, in Committee, on the 20th June, the following Resolution :—

"That copies of all Correspondence between the Treasury and the Office of Works, and the Commissioners of Woods, Forests, and Land Revenue relating to the Thames Embankment, be referred to the Committee, and also the plans relating thereto."

The right hon. Gentleman renewed his objections to that Resolution; and he (Sir J. Shelley) gave as his reason for so doing, that the subject had now shown itself to be a question in dispute between two Departments—the Office of Woods and the Office of Works; and that as the Treasury stood in the relation of umpires in this matter, and it was their duty to protect public interests. As regards the Departments, he (Sir J. Shelley) did not think it just or right that the head of one Department only should have the power of saying what should or should not be given. The Committee were called upon to give their votes, when every Member of the Committee, except the right hon. Gentleman, recorded his vote with the "Ayes;" and under these circumstances the votes were not taken down. That Resolution was come to on the Friday, and the Committee did not meet till the Monday following. When the Resolution had been put, the right hon. Gentleman, instead of handing it to the Committee clerk, took it away with him. He (Sir John Shelley) thought it but just to a most excellent officer of the House—the Committee clerk—that the subject should be distinctly understood. The right hon. Gentleman, having taken the Resolution away with him, certainly had the whole of Friday and Saturday, and, if he had thought proper, a portion of the Sunday, to look over his papers. The Committee met on the Monday, and, after considerable discussion, concluded their Report. During the whole of that day, and until the proceedings appeared in print, he believed there was not one Member of the Committee who had the slightest idea that the Resolution carried on the Friday would not appear on the Minutes of the proceedings. The right hon. Gentleman made no statement to the Committee of not being able to find any papers relating to the Returns, nor—so far as he (Sir J. Shelley) was aware—did he make any observation on the subject. He did not think the right hon. Gentleman could have made any observation of this kind without his (Sir J. Shelley's) knowledge, because it so happened—for his sins perhaps—that during that investigation there was no

question asked and answered which he was not present to hear. He now came to a portion of the case which it was necessary should be understood, in order to clear an officer of that House—the Committee clerk—as well as himself and the other members of the Committee, from any charge of irregularity. There was a discussion on the subject in the House on Tuesday last, and he (Sir J. Shelley) incidentally alluded to the Resolution having been passed in Committee. The right hon. Gentleman turned round in his seat and contradicted him. A right hon. Gentleman who spoke afterwards (Sir W. Jolliffe) said he had heard the right hon. Gentleman's contradiction with great surprise. He (Sir J. Shelley) naturally felt hurt that his veracity should be thus questioned, and felt that he must vindicate himself. He therefore induced the hon. and learned Member for the Tower Hamlets (Mr. Ayrton) to go to the Speaker, and state that under the circumstances it was his (Sir J. Shelley's) intention to put a notice upon the paper of a Motion ordering the Committee clerk to appear at the bar of the House on the following Monday. He (Sir J. Shelley) then left the House for an hour or two; and on afterwards returning he met the right hon. Gentleman below the gangway. The House would observe the way in which he held up the paper. [Holding up a paper of which one part was folded over the other.] The right hon. Gentleman, holding the paper in this manner, said—"I have found a copy of the Resolution you moved." The Resolution was in the right hon. Gentleman's own handwriting, and was as follows:—

"Copies of all correspondence between the Treasury and the Office of Works, and the Commissioners of Woods, Forests, and Land Revenue, relating to the works between Fife House and Westminster Bridge, and the plans relating thereto."

On seeing that he exclaimed, with some irritation, that it was not a true copy of the Resolution, and that the words "between Fife House and Westminster Bridge" were not in the Resolution he put to the Committee. The right hon. Gentleman then turned up a loose portion of the paper—thus—and said, "Oh yes! these were the words:—'relating to the works under the Thames Embankment Bill shall be referred to this Committee.'" He (Sir J. Shelley) said; he would have no copies of his Resolution, he would have the

*Sir John Shelley*

original, to prove to the House he had stated nothing but the fact. The right hon. Gentleman then said he had placed the Resolution in the hands of the Committee clerk. Accordingly, he (Sir J. Shelley) proceeded to find the Committee clerk, and then, in company with that gentleman and the hon. and learned Member for the Tower Hamlets, went to the Speaker and placed before him the Resolution which he (Sir J. Shelley) had moved in Committee, and it was then found that the Resolution had been altered—a pen having been drawn through the words "works under the Thames Embankment," and "between Fife House and Westminster Bridge" substituted, in the handwriting of the right hon. Gentleman. He (Sir J. Shelley) then insisted upon the exact words of the Resolution so carried in Committee appearing on the Minutes of the proceedings, and the Speaker ordered the Committee clerk to see the printer and insist upon a fly leaf containing the Resolution being printed and delivered to Members on the following Monday. That was done, and hon. Members would find the Resolution in its proper place. But the fact still remained that the House was assembled to discuss the question; and though the plan to which the Resolution referred had been sent to hon. Members that morning, the correspondence was not before them. He was sorry to have to make that statement, but he felt bound to do so in order that the regularity of the proceedings before the Committee should be inquired into. No doubt a great responsibility rested with the Committee clerk, but he thought the House would agree with him that that gentleman was wholly free from blame in the matter. Considering the way the question had been prejudged out of doors, without waiting to see the circumstances upon which the decision of the Committee was based, he depended upon the House to do justice to those gentlemen whom they had intrusted with the inquiry, and who had considered the question with great care, sifting the evidence and being guided in their conclusions only by their sense of what was due to the public interest.

MR. COWPER: Sir, I think the proceedings which have just taken place are exceedingly irregular. They are undoubtedly so in a Parliamentary sense. It is remarkable that I should be singled out, because I am the promoter of this Bill, for a series of malicious and un-

founded attacks. The other day the noble Lord, whom I see opposite (Lord Robert Montagu), was made a cat's-paw of to bring an accusation against me for a thing which turned out to be utterly trumpery and insignificant—that, after the Committee had concluded their Report, and after the House had ordered a blue-book to be printed, I gave to a friend a printed copy of what the House had itself ordered to be printed. Well, what charge could be more trumpery and insignificant? Who would have thought of bringing that matter before the House if they who did so had no ulterior and worse motive? And the House thought it trumpery.

MR. SPEAKER: The right hon. Gentleman cannot impute motives.

MR. COWPER: Sir, I beg pardon; I have no wish to speak about motives, except as throwing light on acts; and what I have said as to motives I beg to retract. I wish to speak only of acts. Upon inquiry, it turned out that somebody had done a thing not usual among gentlemen—had not respected the privacy of a document which fell into hands for which it was not intended. Well, I do not care upon whom the responsibility of that proceeding rests, whether upon the gentleman into whose hands the document fell, or upon the noble Lord opposite or any of his advisers; but this I say, that this attack, coming after the other, shows me that there is a great desire in some quarters that this Embankment Bill should not be considered upon its proper merits, and that the attention of the House should be diverted from the real point in question. It reminds me of the brief given to the defendant's counsel in a trial—"No case, abuse the plaintiff's attorney;" and so it was said, "Here there is no case, abuse the promoters of the Bill." Now, I say the hon. Baronet has given a colour to the transactions which he related which is not warranted, nor is it right.

SIR JOHN SHELLEY: I hope my right hon. Friend will excuse me. I think I could corroborate what I said in two words.

MR. COWPER: I say the hon. Baronet has given an unfair colouring to the facts to which he referred. The case was a very simple one. The counsel for the Duke of Buccleuch applied to have all the correspondence relating to the question at issue—the case before the Committee—whether the roadway should go in front of the House of the Duke of Buc-

cleuch and the other Crown lessees, or in another direction. I at once said that all the correspondence which had passed should be granted. It appears, however, that there was some other correspondence of which I was not cognizant—not belonging to my department, but which the Committee were desirous to have. A Motion was accordingly made in Committee for all the correspondence relating to the works. My impression was that the Committee wanted correspondence similar to what had been already granted, relating to the question at issue—that of alternative roads. Therefore I said, "I will give it you;" and at the close of the sitting I took away the original Motion with me in order to send it to the other offices, so that I might get the information for the Committee as rapidly as possible, because, as it was very near the close of the proceedings of the Committee, there would not have been time to get all the correspondence in the ordinary way by the Committee clerk writing an official letter to the office. So, instead of leaving the clerk to write, I took the Resolution home with me, in order to get the correspondence in time. I looked at the correspondence in my own office, but I could find nothing which I thought came within the order of reference. I then sent the Resolution to other departments; but before Monday, when the Committee terminated its proceedings, no further correspondence was furnished. When the hon. Baronet the Member for Westminster (Sir John Shelley) brought the subject before the House, he proceeded to give notice of a Motion different in terms from the Resolution agreed to by the Committee, and which had reference only to works. But the hon. Baronet put a notice on the paper for correspondence relating to the Bill and the Report of the Commission; and when I contradicted him, it was, because he asserted, as I thought, that he had given notice of the same Motion as had been passed in Committee. I contradicted him flatly, because he had made a mistake, and I thought he would be glad to be set right. I entirely concurred in the Motion being made in the House, as it had been agreed to by the Committee. I never made a single objection to it at any time, and I cannot see what blame is to be attached to me in that matter. The papers have not yet been delivered by the printer. I suppose they are in the printer's hands, and will be delivered in the ordinary course

of time, probably in the course of to-morrow. I believe I took away the original copy of the Resolution before the clerk had entered it, and I am accused of doing so instead of taking a copy. But I was not aware that the clerk had not made an entry of it; an entry was of little importance, for we all agreed that the correspondence should be produced; there was no objection, and the matter seemed of no importance. I made no opposition to the printing of the papers, and I am accused of a thing for which there is no foundation. [Mr. A. SMITH: But as to the alteration?] Oh! the alteration. My explanation of that is this:—After the notice had been drawn up there was a discussion in the Committee whether it would not be right not to extend the reference to the works of the whole Embankment, but to limit it to the works of that particular portion of the Embankment about which there was a dispute, and I remember saying to the members of the Committee, "I think you do not want to have the correspondence, if there is any, about the whole of the Embankment, but only about that portion of it which is between Whitehall, or Fife House and Westminster Bridge," and some of the Members agreed with me, and said, "Put in Whitehall Stairs or Fife House." I heard no objection, and took it as a unanimous decision. It was a matter of indifference to me. I would feel obliged to any Member of the Committee to confirm my statement, if it is correct, that the Committee agreed that the words should be altered. Not expecting such a statement as the hon. Baronet has made to-night, I wrote the alteration with my own hand. I did not suspect anything, and therefore, unfortunately, I am open to his false accusation. ["Oh, oh!"] I did not mean to say anything uncivil; but the statement of the hon. Baronet was not founded on fact.

LORD ROBERT MONTAGU said, he begged to confirm the statement which had been just made by the right hon. Gentleman. It was said in the Committee, that if all the papers were produced, there would be a great deal in them relating to Hungerford Market and other places which they did not care to see, and that they wanted merely the correspondence which related to part of the Embankment. The alteration was therefore suggested after the Resolution was passed, and the Committee assented to it.

*Mr. Cowper*

LORD HARRY VANE said, he could confirm what had been stated by the noble Lord.

**THAMES EMBANKMENT BILL.**

[BILL NO. 162.] COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

SIR WILLIAM JOLLIFFE said, the House would not be surprised if, after what had occurred, the members of the Committee which had sat on that subject were anxious to take an opportunity of offering some observations on their conduct, which had been so seriously impugned. And if it were previously necessary to say anything on the subject, the remarks which had just been made by the right hon. Gentleman (Mr. Cowper) made explanation on their part still more necessary. He wished first, however, to confirm one part of the right hon. Gentleman's statement with regard to the alterations in the Resolution. There certainly had been a conversation in which he (Sir W. Jolliffe) took part; and what he said was, that all they wanted was what referred to the Crown property, and whatever related to the different plans which they had before them. Now, the alternative plans were not submitted to Parliament by the promoters of the Bill—very much to his surprise—and it was on that account that he thought that so much of the correspondence as related to those plans was essential to the proper understanding of the subject. The Committee had certainly some claims for forbearance from the House, after what they had undergone for the last two or three weeks, and they were entitled to take the first legitimate opportunity to appeal to the House for its protection against animadversions on the conduct they had pursued in a public capacity. The duty the Committee had to perform was a duty towards that House, and the basest motives had been attributed to them, for they had been accused of subserviency to private interests, instead of doing their duty to the public. They had been charged with various acts for which there was not the slightest foundation in truth; and he defied any man to show that anything occurred in the Committee which could lead to the slightest suspicion that the Committee were subservient to private interests. The Committee had submitted in silence for two or three

weeks to these imputations and threats in the public journals, and therefore he thought that there were grounds for an appeal on their part to that House. The Members of the Committee were, as individuals, weak and powerless in themselves; but if the House should think the honour of any of its Members attacked, it might direct such steps as it deemed necessary to be taken. He was content to leave the matter with the House; and if the House thought that no further notice should be taken of it, he was perfectly satisfied. He could assure the House that whatever accusations might be made against him, they would never find him guilty of subserviency in the performance of his duty, as a Member of that House, to attacks made in the public journals against him, by those who knew when they made them that they were untrue. His object the other night in trespassing on the House, when he was not in order, was merely to dispose of the case of *The Times*; and now that he had disposed of it, he would take a brief review of the duties cast on the Committee. A great work, of the highest importance to the metropolis, was submitted to the consideration of the Committee; and that work was essentially connected with the important undertaking of disinfecting the Thames by carrying the sewage beyond the limits of the metropolis. The Committee had to consider the question of the embankment of the Thames, which would constitute a great improvement to London, and by which the west end of the town would have its noble river turned into a matter of ornamentation, instead of being a source of detriment. The public traffic was also to be promoted to the utmost extent. The Committee did not undertake these duties without having their hands tied in many essential points by Parliament. One of the most essential points which frustrated the endeavours of the Committee to make the embankment as useful to the public as possible was the necessity of carrying it on a low level, as that condition frustrated entirely the establishment of the best means of communication. The level was much lower than that of Trafalgar Square, the Strand, and Fleet Street, and it was impossible to get any useful communications with those thoroughfares. The low level being adopted, it must be carried on until a point where there was an ascent in no very graceful manner at Wellington Street. If vehicles were proceeding from Blackfriars to Lambeth, they certainly

would not go by the Thames Embankment, as the distance would be shorter across Blackfriars Bridge; and really and truly the efficiency of this measure was defeated by the low-level embankment, for which Parliament alone was responsible, as the railway bridges which it had sanctioned rendered that description of level necessary. He thought the Committee had a right to complain of the defective manner in which the Parliamentary papers were placed before the House. The Committee sat in a room for weeks with a plan, called Pennethorne's plan, pinned to the wall; but in the Parliamentary papers now on the table another plan appeared to be substituted for it, and included the taking down of two blocks of houses in Parliament Street, at a cost of no less than £300,000. That, however, was not Mr. Pennethorne's plan, which only included the block of houses in front of the Government offices, likely in any case to be pulled down, and the widening of King Street from the point at which the new offices would be built to Great George Street. That might be done, perhaps, at no expense, as the construction of a better description of houses than the present mean tenements might produce an income almost equivalent to the expense. The question before the Committee was, which would be the most convenient point to the public for the road to diverge at, and leave the Thames Embankment—whether at Westminster Bridge or Whitehall Stairs. He had already said that the traffic from the City to Lambeth would naturally go over Blackfriars Bridge, and would not come near Westminster. If the road were carried to Westminster Bridge, and had then to ascend by an incline plane, the heavy traffic would avoid it as much as possible, and moreover the whole beauty of the work would be destroyed; and the Committee decided, considering that the main body of traffic going westward would turn down Victoria Street or Birdcage Walk, that in that case the traffic might diverge from the embankment to King Street with great convenience to the public. By taking the course which they had done the Committee had, he might add, saved the expense of the Embankment so far as the Crown property was concerned. They saved also one of the best houses on the property—that in which Lord Carington at present resided, and therefore kept intact a space which might accrue, and on which, at a very moderate cost to the country, all its public

offices might be built. Those, he submitted, were considerations which must have weighed with any rational man in dealing with the subject; and although the Committee had been taunted with not asking this or that question, he thought the House would have no difficulty in doing them the justice to admit that they could only ask questions as the case developed itself, while many more questions might have been put to persons examined in the early part of the investigation, had they known what would at a subsequent stage have been elicited. He should now rest satisfied with the short statement which he had made to the House, feeling assured any void in it would be filled up by others who might speak after him, and that hon. Members would do him the justice to believe he was actuated by no other motives in coming to the conclusion at which he arrived in the Committee than a regard for the benefit of the public.

MR. DOULTON said, he thought it must be a matter of great and general regret that the construction of a Thames embankment, which was purely a public question, should have been invested with considerations of so purely personal a character as almost to preclude the House from giving to it that calm deliberation which its importance demanded. In addressing himself to the subject, therefore, he would not follow the example set him by the noble Lord the Member for Huntingdonshire (Lord R. Montagu), who had too evidently attempted to divert the House from the real issue by means of personal allegations. Nor was it his intention to follow the remarks which had been made that night, which tended to show that there had really been some small differences in the Committee upon the question. He regretted that he should be called upon to oppose a Bill founded upon the Report of a Committee, and he approached the question with some misgivings and some fear lest, by the course he proposed to take, he should in any way contribute to the delay which had attended all previous proceedings in regard to this subject. Nor had he much hope that the result of their deliberations on that occasion would lead to a more satisfactory issue, for from the time when the question was first referred to the Royal Commission, whether he had regard to the suspicious arrangements made in connection with the Commission, or whether he had regard to the timidity of the Com-

*Sir William Jolliffe*

mittee, every step in the proceeding upon the subject appeared to him to have been marked by a weakness, if not something worse, the natural result of which was that the plan embodied in the Bill was unsatisfactory. He would not go at length into the historical part of the question, though it would be interesting to trace its progress since the first embankment was proposed soon after the fire of London. He would rather enter at once upon the question which the House was now called upon to decide, and he would ask them for a very few moments to consider what had been the course of proceeding with reference to the matter during the last two or three years. In 1844, a Commission was appointed, composed of men of very high standing in their respective positions, and he admitted at once that their labours resulted in a Report in favour of a roadway commencing at Scotland Yard, on a plan very similar to that embodied in the present Bill. From that time to 1856, when the Metropolitan Board were called into existence, very little was done; but soon after that board commenced operations, the question was raised by them as to the advisability of carrying out a portion of the main drainage of the metropolis by means of an embankment of the Thames, instead of passing along the Strand and Fleet Street. The Board were prepared at that time to take the matter in hand, but the Government thought it better that a Committee should be appointed to inquire into the subject. The Committee of 1860 was accordingly appointed; its deliberations extended over some six weeks, and the whole tenor of the evidence taken was that an embankment carrying a roadway should be carried the whole way from Blackfriars to Westminster Bridge, and that Richmond Terrace and the adjoining neighbourhood would be more than compensated for any inconvenience that might arise from a road in front of their premises by the removal of the mud bank. Mr. Page and Mr. Pennehorne were almost the only persons who attended to enforce a view such as that expressed in the report before the House, and the Report of that Committee was not signed by seven members and voted against by four; but it was unanimous, and amongst those whose names were attached to it were the noble Lord the Member for Huntingdonshire and the hon. Baronet the Member for Westminster (Sir John Shelley), who, however, then appeared to

be of an opinion directly contrary to that which they held two years ago. When the Committee of 1860 had presented its Report, he, as a member of the Metropolitan Board, had moved that immediate action should be taken upon it, but the right hon. Gentleman below him had interposed, and said, that although the question had been fully considered by a Committee, it was desirable it should be considered by a Commission. A Commission had been accordingly appointed, and the whole scope of the evidence taken before it was also in favour of a roadway from Blackfriars to Westminster Bridge. The Metropolitan Board were thereupon about to commence proceedings in order to carry the plan into execution; but the First Commissioner of Works had again interfered, stating that he himself would become the promoter of the work, and further delay took place. The right hon. Baronet opposite (Sir W. Jolliffe) had admitted that the main point in reference to this question was whether or not the plan brought by the late Committee would be more convenient for the traffic than the plan as originally proposed by the Commission. They had been told by the right hon. Gentleman that private interests had nothing whatever to do with the decision at which the Committee arrived; but he wanted to know why the Committee wasted so much valuable time in receiving evidence upon that point, and that point alone; and why the right hon. Gentleman and other members from time to time put such leading questions to those who were called to give evidence as to the way in which private interests were affected. But they had other reasons for believing that private interests were not excluded from the deliberations of the Committee. Was the House aware that the right hon. Gentleman the Member for Petersfield himself had actually proposed a Resolution, the first paragraph of which stated that the Committee came to their decision with the view to protect the interests of the lessees of the Crown property?

SIR WILLIAM JOLLIFFE: Perhaps the hon. Gentleman will read the whole of the Resolution.

MR. DOULTON said, the point to which he was alluding was the fact that the right hon. Gentleman proposed a Resolution which was to form part of the Report, and that that Resolution conveyed upon the face of it the impression that private interests had at any rate some-

thing to do with the decision at which the Committee arrived. The Resolution was this—

"The Committee are of opinion that with a view to protect the interests of the Crown and its lessees, and also to avoid unnecessary outlay in the works, and also to afford the greatest amount of relief to the most crowded streets of the metropolis, &c."

He would cheerfully admit that the right hon. Gentleman had other grounds than private interests for the Resolution, but from the first words of the Resolution he contended that he was justified in his statement that the right hon. Gentleman had other interests in view than the protection of the public. His impression was that the Committee scarcely saw the position into which they were getting; but when he was told that private interests had nothing whatever to do with the decision, he would put it to any one whether, if instead of the Duke of Buccleuch's mansion and Richmond Terrace there had been a series of manufactories employing some thousands of hands in the way of the complete embankment, the same decision would have been come to? The right hon. Gentleman had stated that the Committee came to their decision upon the evidence before them, and he (Mr. Doulton) believed that there was in the Report a great deal of evidence to show that the embankment should commence at Scotland Yard. But he had always understood that evidence was to be valued according to its quality and not its quantity; and he should like to draw the attention of the House to what was the nature of the evidence upon which the Committee came to their conclusion. Very few, if any, of the witnesses who spoke against the plan proposed by the Royal Commission could be regarded as impartial. Evidence in favour of stopping at Scotland Yard was given by the architect of Montagu House, who stated that the embankment would place that edifice in a ditch; by the Duke of Buccleuch, who was candid enough to say, that even if it could be proved that the public interests demanded that the road should be carried as far as Westminster Bridge, he would still protect his private rights; by the Hon. Charles Gore, who spoke without reference to the public interests, but solely with reference to the interests of the Crown as a landowner; by Mr. Page, who propounded a plan of his own in 1844, and whose main objection to the plan of the Commission was that

it would interfere with certain lines of tramway which he had laid down on Westminster Bridge, and which, in the opinion of many persons were abominable nuisances; and by Mr. Pennethorne himself, the author of the rival plan, whose evidence could not, with any show of reason, be called impartial. There was also the evidence of the right hon. Member for Stroud, who declared, that if it could be shown that the public interests demanded the extension of the roadway to Westminster Bridge, his opposition would be at once withdrawn; and he (Mr. Doulton) hoped the right hon. Gentleman had since read the evidence, which he thought could not fail to lead him to a different conclusion from that which he had stated to the Committee. The only evidence in support of the Report which could be considered for a moment as of an impartial character was the evidence of the hon. Gentleman the Member for Bath (Mr. Tite); and he was sure he was not misinterpreting that evidence when he said, that although the hon. Gentleman considered Mr. Pennethorne's the better plan, his chief opposition to the proposed road was that it afforded no proper communication between Charing Cross and the Thames Embankment. Upon the other side they had the evidence, not of interested architects, nor of residents in the locality, but they had such men as Hawksley, Shaw, Bidder, Bazalgette, Cubitt, and others, expressing the opinion that the property in the neighbourhood would be benefited rather than injured by the construction of the road. The question, however, was, which plan would afford the greatest amount of convenience to the public with reference to the traffic, and upon that point they had the evidence of Sir Richard Mayne. No more competent or impartial witness could be found than Sir Richard Mayne, who had no plan to propose, but whose only wish was to see that the greatest amount of accommodation was afforded to the public. Sir Richard stated before the Committee, that if the roadway stopped short at Scotland Yard, it would give no adequate relief to the difficulties with which the police had to contend. Another question put to Sir Richard Mayne was—

"Supposing the powers be obtained and the funds forthcoming, do you think that that would at all dispense with the necessity of continuing the roadway up to the foot of Westminster Bridge?"

*Mr. Doulton*

And his answer was—

"I think it would not in any way touch the traffic between Charing Cross and Bridge Street." What witnesses were called to rebut the evidence of Sir Richard Mayne? None. He was not cross-examined by counsel, and scarcely any member of the Committee put any questions to him. At all events, in no respect was his evidence shaken. If the Report had been arrived at in consequence of the evidence adduced, he had a right to ask where was the evidence on which it rested. Any person reading the evidence would only find the question enveloped in more confusion than before. But, putting aside the blue-book altogether, let hon. Members station themselves for a day at the corner of Bridge Street—and they would see that two-thirds of the traffic of Parliament Street passed over Westminster Bridge, or went to the Houses of Parliament. Then let hon. Members go to Charing Cross, and they would find that two-thirds of the traffic from Parliament Street turned to the right by the Duke of Northumberland's house, and only a small portion of it went westward. No person, after that, would say that the traffic would not be very much relieved by the construction of the proposed embankment from Scotland Yard to Westminster Bridge. Considering that the block of buildings at the south side of Bridge Street was some day to be removed, would the House come that night to a decision which would prevent the completion of the improvement there? It might, perhaps, be said, there was no advantage in these clear open spaces; but he hoped to see the day arrive when there would be a First Commissioner of Works who would not play such tricks as had been perpetrated in Trafalgar Square. If they thus sacrificed public convenience and utility, what would they gain? When there was such rivalry between the two sides of the House with reference to financial questions, perhaps the Committee came to their recommendation because their plan was cheaper than the other. The embankment was to be made to Westminster Bridge, but there was to be only a footway from Scotland Yard to Westminster Bridge. That footway, however, was to be eighty feet wide, and the Member who proposed that must certainly have had some other object in view. Such a footway would cost nearly as much as if the embankment had been made with a roadway. But it

was said the Crown lessees were to pay for it. But he found no such provision, no such security in the Bill. He certainly would not give up the ground to the Crown lessees simply for the payment of an extra rent. What did Mr. Pennerthorne say when he expressed an opinion in favour of his own plan? He said—"Provided always that you widen Parliament Street so as to admit the increased traffic," and when pressed on that point, he said it might cost £200,000; but it was since found to be £300,000. So that if the provisions of the Bill were agreed to, they would get the *minimum* of convenience at the *maximum* of cost—paying a sum of nearly £300,000 for having a great project spoiled. The Committee had brought up a plan leaving both ends of the scheme referred to them untouched. He trusted the House would not conclude from the remarks which he had made that he at all desired to delay the work. The course which he had pursued elsewhere would negative any such supposition. He did not make his Motion for the purpose of delay, but he must emphatically say that if the only alternative before the House were a plan such as that embodied in the Bill, or further delay in reference to the matter, then he certainly should prefer delay rather than the adoption of a Bill which sacrificed every principle which those best acquainted with the matter thought ought to be the basis of this embankment, and which would be a perpetual memorial of the power of those in high places to trample over public rights. He therefore begged to move the Resolution which stood in his name.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the Bill be re-committed to the former Committee,"—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. KER SEYMER said, he could hardly conceive that the House could gravely accede to the Motion of the hon. Gentleman, and remit the Bill to the same Committee which had sat for a month on the subject, listened to the examination, cross-examination, and re-examination of witnesses, and come to a decision. If such a conclusion were arrived at, he should certainly respectfully request to be relieved from his duty as one of the Committee.

The rule laid down with regard to private Bills was that they would not disturb the decision arrived at by Committees upstairs. The members of those Committees gave unremitting attention to the subject they had to investigate. The House could compel their attendance, but not their attention; and the reason why members gave such attention was that they knew their decision, so far as the House of Commons was concerned, would be final. In the case of a hybrid Bill the Committee was only partially named by the Committee of Selection; but the members had attended punctually and gave their attention as fully as if it had been a private Bill. The evidence had been published, but how few hon. Members had read it! Besides, there was a great portion of the most important kind of evidence—as, for instance, when a witness explained a plan to the Committee—that could not be committed to shorthand or placed before hon. Members. He knew that the decision of the Committee caused surprise and regret in the minds of many hon. Members, but those hon. Members had acted in a fair and considerate manner. Some of them said to him, "We don't much like your decision; but we dare say you have some reason for it that we have not heard." He was sorry to say that such was not the course pursued by some writers in the public press. They at once jumped to a conclusion unfavourable to the Committee, without having before them the evidence on which the decision of the Committee had been arrived at. They at once came to the conclusion that the Committee had been guilty of a gross job. He was not very thin-skinned. He did not think they should enjoy their breakfast without some smart writing, but smart writing was often prejudiced writing. It was sometimes ignorant writing, and in the case under consideration it certainly was ignorant writing; for before the Report and evidence were printed an influential journal said that Committee had committed a mean act. Now, hon. Members rather liked the style of that journal when applied to others, and therefore the Committee must not complain too much of what it said of them; but he must observe that to accuse the Committee of having committed "a mean act," and to follow up that accusation by speaking of the "audacity of their suberviency" was to exceed the bounds of fair criticism. He considered such statements simply dis-

creditable to the person who wrote them, and to the newspaper that inserted them. What said the noble Lord the Prime Minister? The noble Lord was surprised at the decision of the Committee, and he supposed the noble Lord thought them wrong; but he said "Let the conclusion of the Committee stand till the House decides upon it." What would the noble Lord have done if he thought they had been actuated by base motives? He knew the noble Lord sufficiently well to say that he would have come down to that House and at once reversed the decision of the Committee. To judge of the conduct of the Committee a person must take into consideration their conduct as a whole. They had to deal with the plan as a whole. They did not treat it very mercifully. They cut off the head and they cut off the tail of it, and a part of the body had a narrow escape. Having agreed to recommend a street which they thought ought not to be made, they appended to their recommendation the expression of a hope that it would not be made until the whole of the other portions of the works were completed, trusting that meanwhile a better mode of proceeding eastward might be discovered and adopted. They took a great deal of evidence, which went to show that the traffic would be encumbered by stopping the embankment at Blackfriars Bridge; but they had to stop there as far as the present works were concerned. It was not, however, the opinion of the Committee that the embankment should stop there. They did not like to give up the plan of carrying it down the river towards Queenhithe. They thought the plan a bad one, and they showed that they thought so by the manner in which they treated the Bill. Then, as regarded Whitehall, it ought not to be supposed that the Committee thought the rectangular street referred to in this debate would be the best one. They stopped at Whitehall, because they were of opinion that a better plan could be produced. The hon. Gentleman (Mr. Doulton) had asked where was the disinterested evidence in favour of the recommendation of the Committee. His reply was that the map contained their case. If any hon. Member observed the bend of the river, and saw the course the traffic took, he might not arrive at the same conclusion as the Committee; but he would say that they had fair ground for the decision they came to, and that it was not as monstrous a one as to make

hon. Members go out of their way to impute to the Committee any dishonest motives in the discharge of their duty. The hon. Gentleman who had last spoken passed very lightly over the evidence of Mr. Page. Now, he (Mr. Ker Seymer) attached much importance to that evidence. If any one understood the nature of the requirements of the neighbourhood and the extent of the traffic over Westminster Bridge, it must be Mr. Page, who built the new bridge. That gentleman stated, that if traffic was brought up at right angles with Westminster Bridge, very great inconvenience would be caused to the traffic passing over that bridge. All the arrangements of the roadways on the bridge itself were made for a direct line of traffic. Then, as to the Duke of Buccleuch, he did not consider that, as a member of the Committee, he was to act as the agent of the noble Duke. He went into the committee-room in entire ignorance of the facts of the case, and determined to be guided by the evidence. It was asked, "Why did you not cross-examine Sir Richard Mayne?" He did not know, when Sir Richard was before him, that there was anything to cross-examine him about. He thought they had only to deal with the Chairman's plan, and it was only by degrees the case came before the Committee. He did think that the Committee had some little ground to complain of the right hon. Gentleman their Chairman. He should be very sorry to say anything hurtful to that right hon. Gentleman, for he presided over them with the greatest good temper; but he did not think that right hon. Gentleman appreciated the importance which the Committee attached to the alternative plan—[Mr. COWPER: Hear, hear!]—because, when he was asked about the correspondence, he said he had looked into it, and it was not material. The right hon. Gentleman thought it was not material because the second plan was not before the Committee; but if they had the correspondence, it would have shown them that the second plan ought to have been before them. He therefore thought the right hon. Gentleman was arguing in a vicious circle. The plan was at last produced, but he very much doubted whether they had had the whole of the correspondence on the subject. He wished to refer to a point on which he believed he differed from the majority of the Committee. He should not have proposed the

making of even a footpath in front of the Crown property, but have left it to the Board of Works to make the embankment there at the expense of the revenue derived from that property, which they would have been obliged to do in consequence of the main drainage works. There was another point on which he wished to say a word or two. It was not likely that the traffic on the river steamers would decrease if the embankment was continued to Westminster Bridge. How did the House suppose passengers were to be accommodated at Westminster Pier? They were to land in a dark tunnel under the roadway. If they were beautifying the metropolis, the only persons who saw the Thames were those who passed up and down in steamboats. The Crown lessees would plant trees to secure their privacy, so that instead of a fine garden down to the river there would be a dead wall and trees. The Committee had carefully considered the estimate, and thought it would be sufficient for the works they had sanctioned. But the estimate would certainly not be sufficient for the original plan. He believed that it would be found necessary to re-enact for a further period, for the purposes of the metropolitan improvement and the embankment of the Thames, the coal and wine dues. The best use to make of that fund would be to widen that important point, King Street. The northern block of Houses in Parliament Street was already condemned; and if they were taken down and King Street was widened, there would be a noble access to the embankment indicated by the plan of Mr. Pennethorne. There had been on two occasions an inquiry into the tolls of the metropolis. A Committee on Metropolitan Communications, in 1854, reported that all existing restrictions and tolls on roads and bridges ought to be, as far as possible, removed. In 1859 a Metropolitan Toll Commission reported, that in order to relieve some of the most crowded thoroughfares, it would be desirable to make Southwark and Waterloo bridges free. Let the House adopt that recommendation, and free Waterloo Bridge from toll, which now gave an unnatural direction to the traffic. Let King Street be widened, and then the House would see how much traffic would flow naturally to Westminster Bridge by a Thames embankment. Why, there would be none at all. A Commission had been recommended, and he, too, said let a Commission be appointed, but not a packed or prejudiced Commission.

Let there be a Commission of fair, able, and independent men, and he, for one, would not be afraid of the result. When the array of counsel before the Committee was complained of, he must say for himself that he was glad the private interests of the lessees were affected, because the Committee would not otherwise have got out all the facts of the case. He did not know why the House should object to insert the words proposed by the right hon. Gentleman, although he did not think them necessary. He should not object to refer to the Commissioners the scheme of a roadway in front of the Houses of Parliament, although it appeared to him to be a monstrous scheme, and had been quite scouted by Mr. Tite. After all the obloquy which had been cast upon the Committee, he believed that their plan would eventually be adopted.

LORD HARRY VANE said, that as a member of the Committee he could say that they had attended most assiduously to their duties, and that no Committee could have entered upon an investigation with a more fixed determination to give a judicial opinion upon the matter referred to them. No doubt, some of the witnesses were partial on one side and some on the other; but he believed that the decision of the Committee was founded entirely on the evidence. The charge in the newspapers was, that the Committee acted under a base feeling of audacious observiency. He affirmed, on the contrary, that the Committee were actuated by no such feeling. They were bound to consider the question as it affected the interests of the Crown lessees as well as the interests of the Crown, not in order that the interests of the lessees should stand in the way of a great public improvement, but in order that justice might be done to them. The Bill was promoted by the Board of Works; and if the interests of the public had been alone in question, there would have been no cause for referring the matter to the Committee. The members of the Committee had paid no more attention to the interests of the Duke of Buccleuch than to those of any other person on the line. He repudiated with the utmost indignation the imputation that either he or any other member of the Committee had been influenced by any such motives as those attributed to them by the hon. Member for Lambeth. The Committee were of opinion that the public interests would be better promoted by the

roadway stopping at Whitehall, although they had sanctioned, so far as a Committee could sanction, a footway to Westminster Bridge. Therefore all those who were on foot would have the advantage of a footway through the whole line of route from Blackfriars to Westminster Bridge; and if any persons were aggrieved, it was the aristocrats and those who drove in carriages and rode horses. As had been well observed by the hon. Member for Bath, when asked his opinion on the subject, cabs and omnibuses, which carried the great mass of the people, would never proceed to Westminster Bridge by a road from Whitehall Stairs along the Thames, because they would always take the nearest way, whether they were going to Birdcage Walk, Victoria Street, or Milbank. As far, therefore, as the interests of the public were concerned, it was not true that they were disregarded by the Committee. Again, when it was proposed to the Committee to sanction a road to Westminster Bridge, there was nothing in the Bill which would empower Parliament to buy up the houses at the north side of Bridge Street, though the houses on the south side were to be cleared away, and that was a weak point in the Bill. His own opinion at first was, that they ought to sanction the original scheme; but when they had Mr. Pennethorne's plan before them—which, however, came under the notice of the Committee only by degrees—and when they considered the question of the traffic to Westminster Bridge, it did appear that the pressure would be so great as to cause extreme inconvenience. He could not believe that the hon. Member for Lambeth would persevere with his Motion; but if he did, he trusted the House would reject it. He very much doubted whether any other decision than what had been come to would be arrived at by any Committee to whom the question might be again referred. The Committee had not sanctioned Mr. Pennethorne's plan, because it was not regularly before them; but his belief was, that some such plan was the best. He had gone into the inquiry with perfect impartiality, and had come out of it with the same feelings, and it was with great reluctance that he had consented to the road being stopped.

MR. TITE said, the hon. Member for Lambeth had only done him strict justice in saying that his opinion was an unbiased one. He had not the honour of knowing

hon. Members go out of their way to impute to the Committee any dishonest motives in the discharge of their duty. The hon. Gentleman who had last spoken passed very lightly over the evidence of Mr. Page. Now, he (Mr. Ker Seymer) attached much importance to that evidence. If any one understood the nature of the requirements of the neighbourhood and the extent of the traffic over Westminster Bridge, it must be Mr. Page, who built the new bridge. That gentleman stated, that if traffic was brought up at right angles with Westminster Bridge, very great inconvenience would be caused to the traffic passing over that bridge. All the arrangements of the roadways on the bridge itself were made for a direct line of traffic. Then, as to the Duke of Buccleuch, he did not consider that, as a member of the Committee, he was to act as the agent of the noble Duke. He went into the committee-room in entire ignorance of the facts of the case, and determined to be guided by the evidence. It was asked, "Why did you not cross-examine Sir Richard Mayne?" He did not know, when Sir Richard was before him, that there was anything to cross-examine him about. He thought they had only to deal with the Chairman's plan, and it was only by degrees the case came before the Committee. He did think that the Committee had some little ground to complain of the right hon. Gentleman their Chairman. He should be very sorry to say anything hurtful to that right hon. Gentleman, for he presided over them with the greatest good temper; but he did not think that right hon. Gentleman appreciated the importance which the Committee attached to the alternative plan—[Mr. COWPER: Hear, hear!—]because, when he was asked about the correspondence, he said he had looked into it, and it was not material. The right hon. Gentleman thought it was not material because the second plan was not before the Committee; but if they had the correspondence, it would have shown them that the second plan ought to have been before them. He therefore thought the right hon. Gentleman was arguing in a vicious circle. The plan was at last produced, but he very much doubted whether they had had the whole of the correspondence on the subject. He wished to refer to a point on which he believed he differed from the majority of the Committee. He should not have proposed the

making of even a footpath in front of the Crown property, but have left it to the Board of Works to make the embankment there at the expense of the revenue derived from that property, which they would have been obliged to do in consequence of the main drainage works. There was another point on which he wished to say a word or two. It was not likely that the traffic on the river steamers would decrease if the embankment was continued to Westminster Bridge. How did the House suppose passengers were to be accommodated at Westminster Pier? They were to land in a dark tunnel under the roadway. If they were beautifying the metropolis, the only persons who saw the Thames were those who passed up and down in steamboats. The Crown lessees would plant trees to secure their privacy, so that instead of a fine garden down to the river there would be a dead wall and trees. The Committee had carefully considered the estimate, and thought it would be sufficient for the works they had sanctioned. But the estimate would certainly not be sufficient for the original plan. He believed that it would be found necessary to re-enact for a further period, for the purposes of the metropolitan improvement and the embankment of the Thames, the coal and wine dues. The best use to make of that fund would be to widen that important point, King Street. The northern block of Houses in Parliament Street was already condemned; and if they were taken down and King Street was widened, there would be a noble access to the embankment indicated by the plan of Mr. Pennethorne. There had been on two occasions an inquiry into the tolls of the metropolis. A Committee on Metropolitan Communications, in 1854, reported that all existing restrictions and tolls on roads and bridges ought to be, as far as possible, removed. In 1859 a Metropolitan Toll Commission reported, that in order to relieve some of the most crowded thoroughfares, it would be desirable to make Southwark and Waterloo bridges free. Let the House adopt that recommendation, and free Waterloo Bridge from toll, which now gave an unnatural direction to the traffic. Let King Street be widened, and then the House would see how much traffic would flow naturally to Westminster Bridge by a Thames embankment. Why, there would be none at all. A Commission had been recommended, and he, too, said let a Commission be appointed, but not a packed or prejudiced Commission.

Let there be a Commission of fair, able, and independent men, and he, for one, would not be afraid of the result. When the array of counsel before the Committee was complained of, he must say for himself that he was glad the private interests of the lessees were affected, because the Committee would not otherwise have got out all the facts of the case. He did not know why the House should object to insert the words proposed by the right hon. Gentleman, although he did not think them necessary. He should not object to refer to the Commissioners the scheme of a roadway in front of the Houses of Parliament, although it appeared to him to be a monstrous scheme, and had been quite scouted by Mr. Tite. After all the obloquy which had been cast upon the Committee, he believed that their plan would eventually be adopted.

**LORD HARRY VANE** said, that as a member of the Committee he could say that they had attended most assiduously to their duties, and that no Committee could have entered upon an investigation with a more fixed determination to give a judicial opinion upon the matter referred to them. No doubt, some of the witnesses were partial on one side and some on the other; but he believed that the decision of the Committee was founded entirely on the evidence. The charge in the newspapers was, that the Committee acted under a base feeling of audacious obsequiety. He affirmed, on the contrary, that the Committee were actuated by no such feeling. They were bound to consider the question as it affected the interests of the Crown lessees as well as the interests of the Crown, not in order that the interests of the lessees should stand in the way of a great public improvement, but in order that justice might be done to them. The Bill was promoted by the Board of Works; and if the interests of the public had been alone in question, there would have been no cause for referring the matter to the Committee. The members of the Committee had paid no more attention to the interests of the Duke of Buccleuch than to those of any other person on the line. He repudiated with the utmost indignation the imputation that either he or any other member of the Committee had been influenced by any such motives as those attributed to them by the hon. Member for Lambeth. The Committee were of opinion that the public interests would be better promoted by the

roadway stopping at Whitehall, although they had sanctioned, so far as a Committee could sanction, a footway to Westminster Bridge. Therefore all those who were on foot would have the advantage of a footway through the whole line of route from Blackfriars to Westminster Bridge; and if any persons were aggrieved, it was the aristocrats and those who drove in carriages and rode horses. As had been well observed by the hon. Member for Bath, when asked his opinion on the subject, cabs and omnibuses, which carried the great mass of the people, would never proceed to Westminster Bridge by a road from Whitehall Stairs along the Thames, because they would always take the nearest way, whether they were going to Birdcage Walk, Victoria Street, or Millbank. As far, therefore, as the interests of the public were concerned, it was not true that they were disregarded by the Committee. Again, when it was proposed to the Committee to sanction a road to Westminster Bridge, there was nothing in the Bill which would empower Parliament to buy up the houses at the north side of Bridge Street, though the houses on the south side were to be cleared away, and that was a weak point in the Bill. His own opinion at first was, that they ought to sanction the original scheme; but when they had Mr. Pennethorne's plan before them—which, however, came under the notice of the Committee only by degrees—and when they considered the question of the traffic to Westminster Bridge, it did appear that the pressure would be so great as to cause extreme inconvenience. He could not believe that the hon. Member for Lambeth would persevere with his Motion; but if he did, he trusted the House would reject it. He very much doubted whether any other decision than what had been come to would be arrived at by any Committee to whom the question might be again referred. The Committee had not sanctioned Mr. Pennethorne's plan, because it was not regularly before them; but his belief was, that some such plan was the best. He had gone into the inquiry with perfect impartiality, and had come out of it with the same feelings, and it was with great reluctance that he had consented to the road being stopped.

**MR. TITE** said, the hon. Member for Lambeth had only done him strict justice in saying that his opinion was an unbiased one. He had not the honour of knowing

the Duke of Buccleuch, nor did he believe he had ever seen him till he heard him give evidence before the Committee. He was as anxious as his hon. Friend the Member for Lambeth that the Thames Embankment should be proceeded with, because it was a necessary ingredient in the great metropolitan drainage, in which they were all interested; but, as it happened, the metropolitan drainage did not at all interfere with the question before the House. The main sewer from Victoria Street came down Parliament Street, and Whitehall Yard, and emptied itself into the Thames at that point; and therefore, if the embankment took up the sewer there, every purpose, so far as the sewer was concerned, would be served. The line of the embankment was determined by the conformation of the Thames, and the exact course which must be followed was called Walker's line or Page's line, from having been laid down by those engineers. The question upon which his opinion had been asked was, whether, if the new street were to be turned off from Whitehall Stairs and Whitehall Yard into Parliament Street, it would be more for the public convenience; and his answer was, that it would be better to do so than to have all the traffic carried along the Thames to Westminster Bridge. Moreover, it was admitted that the embankment of the Thames should not be more than four feet above high-water mark; so that they would thus have an incline of one in thirty from the road to the bridge. [An hon. MEMBER: One in eighty.] At all events, there would be a steep incline. Any hon. Gentleman who went upon Westminster Bridge, and looked at the difference between the level of the bridge and that of the wharves, would see that there must be a considerable incline, and one which he was certain, from his experience in the City, that no heavy traffic was likely to travel upon. If he could conceive the possibility of continuing the road along the embankment in front of these Houses, he might take a different view of the question; but he could not conceive such a possibility, because the terrace went as far into the river as its conformation would admit of, was in a line with the abutments of the bridge itself, and with the line of the proposed embankment below the bridge. He did not believe they could by any engineering contrivance carry a road in front of the Houses in any manner that

would not be discreditable. He should like to see a continuous road two miles in extent along the bank of the river, which would certainly be a magnificent promenade, but he did not know how it could be done. Believing sincerely that Mr. Pennethorne's plan would give a more convenient approach than one across the avenue of Westminster Bridge, he had honestly expressed that opinion before the Committee, and he adhered to it. He entreated the House not to interfere with the progress of the Thames Embankment at all events. Let the question under discussion remain an open one if they pleased, until they saw what could really be done with the whole matter. And when it was said that the Committee moved for by the hon. Member for Coventry was committed on this subject of an access to Westminster Bridge, he begged to observe that that was a mistake. The members of that Committee all conceded the desirableness of an embankment of the Thames, and that the embankment should not be occupied by wharves or buildings, but should be an open quay, with a road along it, that road to be connected with existing thoroughfares; but that they were committed as to where it should begin or end he denied altogether. He could not help thinking that the Select Committee whose Report was under discussion had come to a right conclusion when they adopted a footway. A footway of eighty feet wide would, in fact, be a road, and there would be no difficulty in carrying that into effect. He therefore begged his hon. Friend not to interrupt an important work by an indirect and incidental question; and he trusted that the House would adopt the course recommended by the noble Lord at the head of Her Majesty's Government in the Amendment of which he had given notice.

MR. LOCKE said, he could not attribute to his hon. Friend the Member for Bath (Mr. Tite), that he was influenced to adopt a course because it was favourable to the interest of a noble duke. His hon. Friend, however, had declared himself in favour of a road throughout the length of the embankment, and the length of that embankment was to be from Blackfriars Bridge to Westminster Bridge. It was a remarkable thing, that if there were one question in that Committee upon which all its members were agreed, it was that there should be an embankment between

these two points. The only question, then, which it appeared to him they had to consider was, whether upon that embankment from Whitehall to Westminster Bridge, they were simply to have a footpath, or whether they were to have the carriage road continued up to Westminster Bridge. The objections which had been raised to the road being continued up to Westminster Bridge were of the most futile description. As to the approach from the embankment to the bridge being a steep one, the hon. Member for Bath seemed to think it made no difference whether the incline were one in thirty or one in eighty. That was rather remarkable as coming from one who had been professionally employed in carrying out some of the greatest works which adorned the metropolis. There was an incline of one in forty in the approach to London Bridge on the Southwark side, along which carriages passed with the greatest ease, and which was the greatest thoroughfare in all London. The hon. Member for Bath had ridden off on a question which was never entertained by the Committee, and on which they took no evidence—namely, the embankment in front of the Houses of Parliament.

MR. CRAWFORD said, that the hon. Member for Bath had been examined on that point by the Chairman of the Committee.

MR. LOCKE : Then he was in error as to that. But certainly the Committee entirely scouted such a proposal. He had heard no reasons to satisfy him why the carriage roadway should not be carried up to Westminster Bridge. Mr. Page said, "I have formed the surface of Westminster Bridge in such a way as the surface of no other bridge in the universe was ever formed." He certainly trusted that nothing would ever be made like it again; for in the centre of the bridge there were built up little impassable walls about six or eight inches high, right in the centre of the bridge, the pretence being that they would relieve the traffic. Now, Mr. Train had been compelled by a decision of the Queen's Bench to remove a tramway from the Westminster Road, which caused much less hindrance to the traffic than that novel contrivance; and he should like to know whether Mr. Page was privileged to do that on Westminster Bridge which the Queen's Bench had declared was a nuisance on the Westminster Road. In addition to the tramway which Mr. Page had put on Westminster Bridge,

there was a raised ledge on each side of the bridge, so that it was impossible for any carriage to be driven across the bridge. Was it for such a nuisance as that that Mr. Page was to get up in the Committee and say that the public convenience was to be destroyed—that they were not to be allowed to go along the embankment, and thence to Westminster Bridge. Some hon. Member of the Committee asked Mr. Page whether he could not shorten his tramway, and Mr. Page said he could. Then that objection was removed. The hon. Member said this was all wrong, but he very seldom found that hon. Member all right, and he should be much obliged if the hon. Gentleman would allow him to pursue quietly the course he was determined to pursue. The hon. Gentleman had introduced a great number of topics which were altogether foreign to the subject. If Mr. Page could shorten his tramway, carriages could readily go from the roadway on to Westminster Bridge. And he should like to know what inconvenience carriages coming by that way to the bridge would be to the other traffic passing along it. The corner of Bridge Street was about the most crowded place in London, and he supposed the hon. Member for Westminster would admit, that by vehicles passing along the embankment, and crossing Westminster Bridge, the corner of Bridge Street would be relieved of a portion of the traffic which at present passed that point. A great deal had been said about an alternative road. What he (Mr. Locke) understood by an alternative was one of two things; but the hon. Gentleman, when he spoke of an alternative road, meant only one road, which was Hobson's choice. Mr. Pennethorne's plan was the substitute which the hon. Gentleman proposed for the embankment. Why on earth had Mr. Pennethorne's plan been brought into the matter? Mr. Pennethorne, he conceived, had no business at all in the Committee. That gentleman was the architect of the Woods and Forests, and his having been brought into the matter reminded one of the old story of the British Museum and the Kensington Museum going to a sale and bidding against each other. There was the architect of the Woods and Forests coming before the Committee to say that he cared nothing at all about the interests of the public. [An hon. MEMBER : It was Mr. Gore.] Oh, Mr. Gore was much worse, for he said he had only one consideration — namely, the interests of

*Mr. Locke*

his particular office. So the public were to go to the wall. The public were perfectly satisfied without the interposition of Mr. Pennethorne. As Sir Richard Mayne well observed, it was the narrowest part of a street that regulated the traffic of the whole of it. What did Mr. Pennethorne propose? That instead of having two roads the public should have only one. That was the great public benefactor from the Woods. Never since he (Mr. Locke) was returned to that House, in 1857, had he seen the House in such a condition as it was in that night. A question of the utmost importance to the inhabitants of the metropolis had been confused by the introduction of a multitude of subjects with which it had nothing to do. The simple question was, first, whether two roads were better than one; and, next, whether a road in addition to the existing one could by any possibility cause any inconvenience. Was there any evidence that an additional road would cause any inconvenience? He had not heard a single word to prove that it would. There was no evidence to prove that traffic along the embankments would cause any inconvenience to the traffic passing along Westminster Bridge. An hon. Gentleman opposite had said that there was no public bridge in this country which was approached by a road at right angles. He (Mr. Locke) deeply regretted that such was the fact. In that respect our bridges were unlike those of any other country. Ireland, which was a pattern to us in many things, was a good pattern to us with regard to bridges. To all the bridges in Dublin there were streets running at right angles. He would particularly instance Carlisle Bridge, which led into Sackville Street. The approaches to our bridges were incomprehensible to a foreigner; and when there was an opportunity of greatly ornamenting the metropolis and benefiting its inhabitants by the proposed embankment, they ought to reform their system. It was said that there was no cross-examination in the Committee as to whether or not there would be a block of traffic at the north end of Westminster Bridge in consequence of the proposed embankment, until the appearance of the advocates of the Duke of Buccleuch and others. He entirely deprecated such imputations as had been cast out of doors upon Members of that House, be they seated on a Committee or anywhere else. He was not, at the same time, astonished that outsiders should form

erroneous conclusions on the matter when they found that not a word was said against a particular portion of the proposed embankment until the Duke of Buccleuch and his right hon. Friend the Member for Stroud appeared upon the stage. He did not mean to say that those Gentlemen exercised any influence on the Members of the Committee. They could certainly exercise no influence over him, and he therefore felt perfectly satisfied they would have no influence with anybody else. Everybody in the House, he felt assured, gave the Committee credit for being actuated by the purest motives in the decision to which they came; but some of them—the hon. Baronet the Member for Westminster among the number—had put things into the Duke of Buccleuch's head which probably he would otherwise have never thought of. He, in fact, asked the noble Duke whether the carriages passing by the proposed route would not be so disagreeable to him as to lead him to plant trees in the front of his house, and thus entirely block out the people passing along the embankment from obtaining a view of that beautiful structure. Now, if the noble Duke did plant those trees and did shut out the view of his magnificent residence, he, for his own part, should be rather pleased than otherwise. The style of the architecture was not at all that which he admired, but that was, of course, all a matter of taste. At all events, he thought it would be a very good thing, so far as foreigners were concerned, that the building should be withdrawn from the public view, because it would only furnish them with another reason for calling us "Western Chinese," and saying that all we could do in the way of architecture was to copy an old, worn out, and abandoned style. Again, if trees were planted by the noble Duke as suggested, everybody would understand them and admire them, too, whereas, with regard to architecture, the greatest possible variety of opinions always prevailed. The Duke of Buccleuch therefore would not do so absurd a thing as block out his own view for the purpose of concealing what nobody cared to see. The reason which Mr. Pennethorne gave for his plan was, that some day or other the country might think fit to lay out £30,000 more in pulling down more houses in Parliament Street. But if those houses were pulled down, the embankment of the Thames would not be made better or worse. Mr. Pennethorne said there

ought to be a roadway from Charing Cross to the embankment. So there ought; but could not that roadway co-exist with an embankment from Whitehall to Westminster Bridge? All the arguments that had been brought against the embankment amounted to this, that because something else had not been done, therefore this could not be done. There was no sense in such arguments. Let the proposed embankment be made. As for the other improvements which had been suggested by the opponents of the embankment, we could wait patiently for them. But he trusted that the House would not lose that opportunity of ornamenting and greatly benefiting the metropolis by the proposed embankment.

MR. POLLARD - URQUHART said, that as one of the four Members who had voted in the minority on the Committee, he wished to express his regret that such imputations as had been made out of doors—imputations implying flunkeyism and subserviency to a great ducal interest—should have been cast upon those of his colleagues who happened to differ from him in opinion. Such imputations he should, if it were not unparliamentary to do so, characterize as arrant humbug; and he might further observe, that although he dissented from the majority on the Committee, many good reasons had been advanced to show that the plan of Mr. Pennethorne would greatly relieve the traffic of the metropolis. But even though that was the case, the advantages of the plan were not so great as to induce him to come to the conclusion that it would be desirable to forego in its favour so great an improvement to the metropolis as the construction of a roadway from Blackfriars to Westminster Bridge. He had heard it stated, indeed, that inconvenience would be likely to result from having the traffic along that roadway run perpendicular to that along the bridge; but those who used that argument seemed to forget that the roadway was to have a curve at the junction, and that in Paris, Florence, Vienna, and many other continental towns, roadways ran in a similar manner at right angles with the bridges. Moreover, the road would have a curved or bell entrance to the bridge, and the point of junction would be at a place where there was now, or soon would be, plenty of room. He regretted that such personal attacks had been made upon the right hon. Gentleman the Chief Commissioner.

*Mr. Locke*

He would positively state that what the right hon. Gentleman had said in his defence was correct, and that the alteration made in the Resolution was the modification agreed to by the whole Committee. He did not think that they would gain anything by assenting to the Motion of the hon. Member for Lambeth.

SIR JOHN SHELLEY said, that he regretted that personal matters should have been introduced into this question. He should himself enter into the discussion without reference to any matters of that kind, believing that the Members of the Select Committee might laugh to scorn all the attacks which had been made upon them in the public journals. There were two kinds of vulgarity of mind. One was shown by the man who was ready to truckle and bow and scrape to great personages; but the other and more detestable was evinced by him who sought to gain a little fleeting popularity by attacking a gentleman because he happened to be a Duke. In his judgment, of all the cowards upon earth, the man who had not the moral courage to stand up for that which he believed to be right lest he should be thought to be truckling to a great personage was the least worthy to mingle in the society of gentlemen. He had no hesitation in declaring that the Committee came to their decision upon public grounds alone; and, as far as he was concerned, he could conscientiously declare that he never adopted a Resolution which, upon mature consideration, he believed to be a more righteous one. The Committee had taken a vast amount of evidence, and had come to a decision by a large majority; and the farther the subject was inquired into the more they would be found to be justified in that decision, and the less persons out of doors would be prepared to take for gospel everything that had been said by the press before the evidence was in the hands of the public. He had always been a strong advocate for some plan for Thames embankment, but from first to last he had looked upon the scheme which had been placed before the Committee as a miserable abortion. It was based on no reliable estimates. No instructions had even been given for estimates until the Bill had been referred to the Committee. Even before the Royal Commission the estimate produced was a mere verbal one, given by Mr. Hunt, the surveyor of the Board of Works—a mere surmise or rough calculation that the scheme could be carried out

for £1,500,000. Never having had any confidence in the scheme, he entered the Committee with a determination to find out whether he was wrong in the opinion he had formed respecting it. He had been told by the right hon. Gentleman that he had been placed on the Committee as the opponent of the Bill. He went upon it as one of the Metropolitan Members, and as such he felt it to be his duty to look carefully and cautiously into the evidence; and he went into the question with the desire of arriving at a just conclusion. It was his proposal which was carried in the Committee, that the scheme should stop at Blackfriars Bridge, and that the street should not be carried through the City. The evidence taken on that part of it proved that the estimates made with respect to it were clearly erroneous. He hoped and believed there would be no difficulty in carrying the embankment down to Queenhithe; but it had not been sufficiently considered how the street should join with Cannon Street. The whole river-side trade of Westminster was to be at once swept away under this scheme; whereas all other plans, even those before the Royal Commission, proposed to continue, and, in some instances, to ameliorate and facilitate that trade. Until cause was shown that this was necessary, he should, on the part of his constituents, oppose such a proposition. Then, with respect to Mr. Pennethorne's plan, and the protection of the property of the Crown lessees, he thought the way in which the Duke of Buccleuch was proposed to be treated should induce every man to stand up and demand fair play. Although he had not the honour of the Duke of Buccleuch's acquaintance, he must say, with all the natural inclination of an Englishman to stand up for the oppressed, that he had been very ill-used ["Oh, oh!"]—he repeated it, the Duke of Buccleuch had been ill-used. He firmly and conscientiously believed, that if the owner and resident in Montagu-house had been Brown, Jones, or Robinson, they would never have heard of this tremendous outcry. ["Oh, oh!"] Was he (Sir John Shelley) to stand up for the other owners and proprietors on the river side, and shrink from doing the same justice to a man because he happened to be the Duke of Buccleuch? He would tell the House he had been brought up with very different ideas. His hon. and learned Friend had referred to some of the questions he had

put to the Duke of Buccleuch in the Committee; but there were other questions he had put to his Grace which the House would allow him to quote—

Q. 4486. "Has your Grace taken into consideration whether it is an absolute convenience, not to be met in any other way than giving this roadway?"

To which the Duke replied—

"If it were imperative for the public convenience, like other persons, I must submit to it; but I am not satisfied that the necessity has arisen. I think otherwise; for instance, Mr. Pennethorne's plan is far superior to the plan of taking the road up to Westminster Bridge."

Q. 4487. "Therefore when you come forward to protect your own interests, you do so, believing that public convenience does not absolutely require that you should submit to it.—I think that the advantage to the public is not sufficient to warrant this injury to myself and to my neighbours."

He entirely agreed with that evidence of the Duke. He did not consider the public convenience required the perpetration of such an injustice—nothing less than a great public necessity, indeed, would authorize injustice to an individual. Instead of promoting the public convenience, he believed that the manner in which it was proposed to take the traffic on to Westminster bridge was a great mistake. He was convinced that to bring the traffic at right angles on to the foot of Westminster bridge, instead of taking it as the crow flies, would create a great nuisance. With the exception of what went over the bridge, it would all be on the wrong side, and against the rule of the road; and Sir Richard Mayne admitted that the number of carriages going across the bridge would be very small indeed. Traffic going towards Belgravia or Victoria Street would have to cross a footpath and carriage-way and two heavy traffic trams before it got into the line which it had to follow. The hon. Member who proposed this Resolution had suggested that some one should go and watch the traffic. He (Sir J. Shelley) had spent a whole Saturday in that occupation, and he did not see a vehicle coming from the west, with the exception of the omnibuses, which pulled up at a public-house at the corner of King Street, or a single waggon which did not pass up that street towards Whitehall. They did not even go up Parliament Street. He also consulted the cabmen upon the rank. He told them that there was to be a handsome road running from Westminster Bridge, and a road

by Whitehall, and asked them which they would use if they were going with a fare from Victoria Station to Blackfriars Bridge. The answer invariably was, that unless King Street was blocked up, they should go that way, because it was the nearest; that if it was, they should go up Parliament Street; and that if they could get up neither of those streets, of course they should be compelled to go along the road from Westminster Bridge. Sir Richard Mayne, in his evidence as to the quality of the traffic which would use the embankment, said that only two or three through omnibuses would go along it, that no cabs plying for hire would, and that it would be used by Pickford's vans and other heavy vehicles only to a certain extent. The evidence, therefore, amounted to this—that it was not the public at large who would make use of this road, but only men of business who were hurrying along as fast as they could go in Hansom cabs or private broughams. Those gentlemen certainly could not be called the public; they were only a portion of it. These were the reasons which had convinced him that it would be a positive mistake to bring the traffic on to Westminster Bridge. The only reason which was given for bringing it there was the visionary scheme for having a fine promenade and roadway, supported upon brackets attached to the walls of that House and piles fixed in the river; but he did not think that there was the slightest chance that that plan would be carried into effect during the present generation. Foot passengers coming to Westminster Bridge would come on to a footpath, and would be in their right position; and therefore to the carrying of the footpath to that point the objections to which he had been calling attention did not apply. The proposal of the hon. Member for Lambeth (Mr. Doulton) to refer this matter back to the Committee, with an instruction to report in favour of a scheme which they had already condemned, was one of the most extraordinary that he had ever heard, and he hoped that the House would not assent to it. As to the Amendment which stood upon the paper in the name of the noble Lord at the head of the Government, he would only say that he was anxious that this subject should be properly inquired into; and so it would have been if the Committee had been allowed to examine the alternative plan of Mr. Pennethorne, and

had not, whenever it was mentioned, been told by the right hon. Gentleman that they could not consider it, because it was beyond the limits of deviation. It was a great misfortune that the correspondence, the production of which the Committee thought so essential, was not in the hands of Members. He knew nothing of what was in that correspondence; but it did strike him that there must be in it something very bad, or something which some one was very anxious to keep concealed, or there would not have been so much difficulty in obtaining that which the Committee thought was so essential to the discussion and decision of this question.

MR. HORSMAN said, that the circumstances under which the House entered on the discussion were very unusual, and were certainly not calculated to assist them to a right conclusion. The correspondence which was repeatedly applied for, and the production of which was promised before they began the discussion, was not yet forthcoming. The plan which was issued that morning, and from which they were to judge of the different projects before the public, was entirely inaccurate in some of its most essential features. The blue-book was so far a variation from the usual practice that the evidence was not sent to the witnesses to be corrected, and now appeared in a most inaccurate and slovenly state. He would illustrate that by quoting three questions in the examination of the Duke of Buccleuch. His Grace was asked—

" You have already had the inconvenience of the sewer being made upon the west side of Montague House?—Yes."

" You have gone through that?—Yes, that was a tunnel."

Another question was—

" When the wind sets from the river, is there some inconvenience from the smoke of the steamers?"

His Grace's reply was—

" Not at all now; we consume our own smoke." He heard a friend of his say to another, " What an extraordinary man the Duke must be, for he walks through a sewer which is a tunnel and consumes his own smoke;" to which the other returned, " I suspect both happened at once, and that he consumed his smoke when going through the tunnel." The third question was one to which he regretted reference had been made by the hon. Member for Lambeth, who had spoken with great ability, and, considering his strong views, a considerable amount of candour. At the

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end of the Duke's examination the following question and answer were recorded:—

" Supposing that the public interests decidedly require this roadway, your Grace would waive any further opposition?—I do not know that I should waive any further opposition; that is asking rather a stronger question than asking a person whether he does not consider his property very considerably damaged."

That reply was so much at variance with the previous tenour of his Grace's evidence that it obviously did not bear the interpretation which had been put on it. The Duke had before stated distinctly that he would give way if it could be shown that his private interests were in conflict with those of the public. All that was meant by his last answer was, that he would not bind himself to accept the decision of the Committee as final, and not to continue his opposition in the other House. That was really a most important question. Charges had been made at which the public had been both surprised and alarmed. It had been alleged that the Duke of Buccleuch had, before the Committee, offered opposition to the embankment, and had defeated the public. Moreover, it was stated that the Committee had exhibited meanness as well as incapacity; and having been overborne by the influence of the Duke, had to suit his personal convenience, so marred and mangled the Bill that the public were deprived of a great part of the benefit which it was intended to confer, and which they had a right to expect. Whatever the majority of the House might in their own minds think, still the charges were very grave ones in the mind of the public, and deserved the consideration of the House. They had been so publicly made, and had been so frequently and widely reiterated, that the House was bound to inquire into their truth. The Bill was before them, and the evidence was in their hands; but neither the Bill nor the evidence would reach a great portion of the public, and they were called upon, in the interests of the public as well as in their own interest, to see that the charges were inquired into. If they could be substantiated, or if even good reason could be shown for suspecting them to be well grounded, he hoped the House would not hesitate to mark its sense of the misconduct of the Committee and of the proceedings of the Duke by restoring the Bill to its original pure and perfect shape. But if it could be proved that the charges were not only not true but the very reverse of the truth,

that the Duke and the other Members of the two Houses of Parliament who were interested had used no more personal or party influence against the Bill than any of the porters in the lobby, or the man that swept the streets; that they appeared before the Committee as petitioners on behalf of the public, who would otherwise have had no *locus standi* there, and that they endeavoured to use the opportunity thus obtained to convert the ill-matured, extravagant, and detrimental proposals of the original Bill, involving the misapplication of the public funds and the postponement of other much-needed measures of metropolitan improvement, into just and valuable additions to the public convenience, which could be effected with a great saving of money;—if that could be proved, he hoped the House would not only support its Committee but would do so in a manner to vindicate its own character from the aspersions which, through the Committee, had been cast upon it. With the eye of the public upon them, and with the judgment of the public pending over them, he trusted that they would go into this inquiry with the determination to ascertain the truth and to do justice to the public. The question was an old subject of Parliamentary inquiry, with regard, not merely to an embankment of the Thames, but to a great scheme of improvement which should relieve the thoroughfares while promoting the health and beauty of the metropolis. All previous attempts had, however, failed, partly from the absence of a satisfactory plan, but chiefly from a want of funds. When the project was revived two years ago by the hon. Member for Coventry (Sir Joseph Paxton), it was at once warmly taken up by the right hon. Gentleman the First Commissioner, then scarcely warm in his office. It would have been a more business-like proceeding had the right hon. Gentleman consulted all the accessible authorities on the matter, and refrained from undertaking hastily a project which had for so many years baffled his predecessors. Unfortunately, his right hon. Friend neglected to master the subject or to take counsel with those who could give him information, but threw himself at once into the hands of the hon. Member for Coventry. That was the first, but by no means the last or the greatest of the blunders by which they had been brought into an embarrassing position. When the hon. Member for Coventry got his Committee, there was some difference of opinion

as to its constitution. It was suggested that the Crown lessees should be represented on the Committee, and his hon. Friend proposed that he (Mr. Horsman) should be added to it. He declined the honour, however, partly because he had always held that no Member should either sit in a Committee or vote in the House on any question who was understood to have a personal interest distinct from that of the public, and also because he was unwilling to enter the Committee on the supposition that because he was a Crown lessee he would necessarily be antagonistic to the scheme. For a similar reason he declined, when asked, to suggest to his hon. Friend any changes in the constitution of the Committee, although he told him generally that it was one-sided. The Committee met, examined the witnesses which the Chairman called in favour of his project, and, of course, reported in its favour, in accordance with that evidence. In the following year a Royal Commission was appointed to give effect to the same project, but the terms of the reference were more extensive. It was to combine an embankment with three other great objects—the relief of the thoroughfares, the improvement of the navigation, and the formation of a low-level sewer. The embankment was to be subsidiary. It was to be a means, not an end. The House would, he thought, admit that a Royal Commission for such large schemes, involving great expenditure and a considerable disturbance of private interests, ought to have been nominated with great care, so that the public should have confidence in its high character, its capacity and its undoubted impartiality. Were those the qualifications which were looked for by the First Commissioner? The first member and the Chairman of the Commission was the Lord Mayor, who had been a member of the Committee of 1860, and who could hardly be said, therefore, to be an impartial judge between the plan he had as a member of that Committee recommended and the other plans that might be brought into competition with it. The second member was Mr. Thwaites, the Chairman of the Metropolitan Board of Works, who had been a witness before the same Committee, and recommended the same plan, for which the Committee returned the compliment, and recommended that his board should be employed to carry it into effect. The third member was Captain Burstell, the Secretary to the Thames Con-

servancy Board, who had also been examined on the plan of a roadway and embankment, and expressed himself favourable to it. The first three members of the Commission, then, who were to judge impartially between the various plans which might be submitted to them, had already declared their opinion in favour of one particular plan. There were four other members. Mr. Hunt was Surveyor of the Office of Works, a paid servant of the First Commissioner. Sir Joshua Jebb was Inspector of Prisons, and also a paid officer of the Government. Captain Galton was Assistant Inspector General of Fortifications, and had since been promoted to the office vacant by the death of Sir Benjamin Hawes. Mr. M'Lean, the last on the list, was a civil engineer. So that six out of seven of the Royal Commissioners were employed officially either in Government departments or on metropolitan boards which would be affected by the work that was to be done. The Commission conducted the inquiry, he would not say in a manner which might be expected from its constitution, but certainly in a manner which was not calculated to excite surprise. They entered upon it with a foregone conclusion. They had the Report of the Committee of 1860 in their hands, and they would think of nothing but the plan recommended in that Report. They examined no less than fifty-nine different modes of giving effect to that particular project and everybody who could be affected by it. The only parties whose existence was actually ignored until the Commission had come to their conclusion was the Crown, through whose property the work would run, and the tenants of the Crown, who held the property under lease. It was, to say the least, very unbusiness-like, because in the question of compensation for the destruction of valuable houses the most reliable information could only be obtained from the Office of Woods. Mr. Gore, the head of that office, had been in it for twenty years, and had been a member of a previous Royal Commission which inquired into the same subject. Mr. Gore could have given the Commission of 1861 a greater amount of reliable information than any other witness, and yet the Commission studiously abjured all knowledge of the one witness who could have given the most assistance, and ignored the existence of the lessees whose co-operation would have effected a considerable saving

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of public money. Before, however, the Commissioners had quite closed their proceedings, they thought it would be decorous to see Mr. Gore, and they sent a message to him that they had concluded their evidence and were about to report; but if he had anything to say, they would be ready to see him and hear any statement he might have to make. Mr. Gore did see them, and he expressed his surprise that no communication had been made either to the Crown or the Crown lessees. Upon that a letter was written to each of the lessees, informing them that if they wished to give evidence, the Commissioners were ready to see them. The lessees adopted the only course open to them; they had no rights which they did not derive from the Crown. They could not abandon or assert any rights independent of the Crown, and they took the very proper course of placing themselves in the hands of the Crown, being ready to acquiesce without a word in whatever the Crown approved as beneficial to the public. They were in a peculiar position. They had a *maximum* of desire to aid a public improvement, but a *minimum* of faith in his hon. Friend and the Royal Commission. They knew that a specious appeal in the name of public improvement might admit of a very elastic interpretation, when it was to be carried out with public money by a projector of his genius and enterprise. Consequently, instead of communicating directly with the Commission, they determined to communicate directly with their landlord, the Crown. They therefore sent a message to Mr. Gore, desiring him to call them together to hear his views on the part of the Crown. They were so called together, and he then came to what was really the question before the House, and which the promoters of the Bill and their friends had studiously kept out of sight. Mr. Gore, having before him all the fruits of former inquiries, and having attentively studied the question for years, told the lessees that he was prepared, on the part of the public, to submit to the Commission a plan which should combine all the professed objects of the hon. Member for Coventry with greater advantage to the public and at a smaller cost—that was to say, it was to give greater relief to the thoroughfares, with a shorter, broader, and more ornamental approach to the two Houses of Parliament, and effect at the same time a considerable saving of public money. The plan was not exten-

porized for the occasion. Mr. Gore has inherited it in his office, where he found it recorded and recommended, partly by the signature of Lord Bessborough in 1835, and partly by the signature of the Duke of Newcastle in 1844; and he was prepared to recommend it as so much preferable, both in the interest of the Crown and the public, without reference to the lessees, that even if the lessees desired the line of the hon. Gentleman, their desire ought not to be gratified. That long-matured and well-considered plan was propounded by Mr. Gore as the responsible servant and adviser of the Crown, and he then told the lessees that he proposed that Mr. Pennethorne should appear before the Commission and submit the plan, and the lessees deputed Mr. Norton to represent them and to express their acquiescence in what the Crown recommended. Any hon. Member who had not read the evidence could, from his daily experience and common sense, anticipate what the plan was. Where, in Westminster, was the greatest obstruction to the traffic, and the greatest peril in the approaches to the two Houses? Was it not in Parliament Street, where it crossed Bridge Street? And what was the cause of that obstruction? Was it not the unsightly block of buildings between King Street and Parliament Street? The nation had spent between £2,000,000 and £3,000,000 in building Houses of Parliament on such a scale that every foreigner who came to see the Exhibition made them his second visit. But how did he see them? He went along Parliament Street—an approach mean, crowded, and cramped enough—but when he got down to Bridge Street, matters were ten times worse. There he might see policemen fighting with cab-drivers to make a passage, Junior Lords of the Treasury and Under Secretaries rushing down on the stroke of four to make a House, ducking under the noses of cab-horses, and Cabinet Ministers and grave dignitaries of the Church piloted across between two policemen. If he passed across late in the evening, perhaps he might see passengers run over, or some other lamentable accident occur. He would appeal with confidence to the House to say if there was a single point in the metropolis which more required improvement, or where the mode of improvement was more obvious. Any man of common sense, whose eyesight was not blinded by a foregone conclusion, would see at once that to take away that block

of buildings which stopped up Parliament Street, even at an increased expense, would at once produce the desired improvement. When the New Foreign Office was built, the street so widened, with the Abbey, the Houses of Parliament, and the Foreign Office combined, would present one of the finest architectural effects in the metropolis. But the plan of the right hon. Gentleman was to leave that block of buildings standing. Parliament Street was to be unimproved, and the crossing at Bridge Street was to be made worse than ever, because the traffic at Westminster Bridge was to be met by a new line of traffic running at right angles with it from the embankment; and whereas two policemen were now needed to keep the traffic in order at Bridge Street, four would hereafter be needed, besides two policemen at Westminster Bridge, to prevent the confusion which would inevitably occur there. But that was not all. The Commission took evidence as to no less than twenty-two lines of railway which were to run along the roadway and to have a terminus about Westminster Bridge. Every one knew that railway stations increased and created traffic, and yet one of the means of relieving the pressure at Westminster Bridge which the Committee gravely inquired into was to create a terminus within fifty yards of it. The objection made to taking away the block of buildings was that it would be expensive. The Office of Works put it at £300,000, and Mr. Pennethorne estimated it at half that sum; but considering that the Bill was to authorize a total expenditure of £2,000,000, surely £300,000 was not too much for a project which would be one of the most important improvements in the metropolis. Mr. Gore was prepared for that, and was prepared to remedy it; again, not by any plan of his own, but by an arrangement which he found in his office under a minute of Lord Bessborough, and sanctioned, if not originated, by the late Sir Robert Peel. He told the lessees at that meeting, that as by Mr. Pennethorne's plan the roadway could not be carried along the whole of the proposed embankment, he was prepared to recommend that the Crown should pay for the embankment and remunerate itself by an increased charge on the lessees. That work had been estimated at £90,000, the compensation to the lessees might be as much more, or say half as much more, and that sum of from £100,000 to

£200,000 was to be applied either to pulling down that block of buildings which obstructed Parliament Street, to embanking the south side of the Thames, or to some other of those metropolitan improvements which were now standing still for want of funds. It was no boon to the lessees to be allowed to pay for the embankment. They did not desire it, and it was not an original plan of Mr. Gore; but they were perfectly ready, as they had stated throughout, to follow out any arrangement which might be proposed by the Crown, and which upon the fullest investigation should be pronounced to be for the public advantage. Mr. Gore proposed to effect a great saving by laying a burden on the lessees. The lessees did not seek it, but they were perfectly willing to submit to that burden. That was the alternative plan submitted to the Commission by Mr. Pennethorne, which had been so carefully kept from the knowledge of the House. It was received by the Commission as ungraciously as possible. They heard Mr. Pennethorne, bowed him out, and never recalled him; and although fifty-nine other projectors were examined before the Committee, and some of them recalled more than once, the same courtesy was never extended to him. The plans and estimates of the fifty-nine projectors appeared in the appendix to the Report, but Mr. Pennethorne's plan was not placed there, and no mention was made of it. There could be no other reason for that than that the Commission had entered on their duties with a foregone conclusion, and would entertain nothing which militated against it. Mr. Gore's plan was not original, neither was Mr. Pennethorne's. The plan of a roadway stopping at Whitehall Stairs was also found in the office, as recommended by the Royal Commission of 1844. It was curious to look at the names of the persons on that Commission, and to contrast the notions which Government and the public entertained in those days of the composition of a Royal Commission with those which seemed now to prevail. On that Commission were Lord Lincoln, Lord Colborne, Mr. Herries, Sir Robert Inglis, Mr. Gally Knight, Sir Charles Lemon, Mr. Milne, Mr. Gore, Sir Charles Barry, and Sir Robert Smirke. Every element of inquiry was carefully included in that list. The Government was represented by Ministers of the Crown, the public by Members of Parliament, the office by Mr.

Gore and Mr. Milne; and as in those days it was felt that in all matters of metropolitan improvement taste should be combined with utility, there were placed on that Commission gentlemen such as Lord Cockburn and Sir Robert Inglis, and they were assisted by the professional experience of Sir Robert Smirke and Sir Charles Barry. Such names as these were calculated to inspire confidence in the public, and were not to be compared with the homogeneous batch of paid functionaries by which the President of the Board of Works had indicated his idea of how a Royal Commission should be constituted. Against the gentlemen on the last Commission, neither he nor any one else could have anything to say individually; but if an impartial inquiry was desired, the right hon. Gentleman might just as well have gazetted seven junior clerks in his own office. In the autumn of last year both these plans, the plan of the Commission and Mr. Gore's plan, were submitted by the two offices of Woods and Works to the Treasury. On the 13th of February the Treasury wrote thus to the President of the Board of Works—

"The question at issue between the departments of Woods and Works turns upon the degree of importance which may be attached to the plan for continuing the public roadway along the whole line of the proposed embankment, or to the alternative plan of commencing the public road from a point below the Crown property at Whitehall."

In those words the Treasury stated the real question at issue. It was not, as the right hon. Gentleman the First Commissioner, for his own purposes, had unfairly represented it, a question between the public and the lessees, but between two departments of the Government, one of them presided over by the First Commissioner, new in his office, representing only the Government of the day, with its necessities and its devices; the other under the charge of a public servant of great experience, representing the interests both of the public and the Crown, and by his duty under obligation to defend both from the mischievous assaults of a temporary official who might be bidding for the support of Parliamentary followers or influential journalists. These two rival plans of rival functionaries were submitted to the Treasury, and what did they say about them? The Treasury declined to adjudicate between them, and, in the same letter from which he had already quoted, said—

"My Lords feel that these are questions upon

which it would not be proper for them to anticipate the judgment of Parliament. Their Lordships are of opinion that Her Majesty should be advised to leave free power to Parliament to decide on the question at issue regarding the line of roadway to be adopted."

The Treasury therefore obviously expected that both plans would be submitted to Parliament, and referred to the Committee; so that the public, and not the right hon. Gentleman, might be the judges in this matter. Had not the public as much faith in Mr. Gore as in his right hon. Friend? It was evident that the Government had, because it declined to judge between them. And now he hoped the House would ask why the alternative plan of Mr. Pennethorne was entirely suppressed, and why they were forced either to take the plan embodied in the Bill or none at all. The subsequent proceedings increased in interest. It was known that a correspondence on the subject had taken place, and accordingly notice of motion was given for its production. The First Commissioner declined to produce it, and gave as his reason that it was too voluminous. That was to say, upon a project which was to cost £2,000,000, and on which a blue-book was about to be published, that correspondence, forming, perhaps, the most important part of the case, was not worth the expense of a few pounds to print. Then came the Committee, which the First Commissioner wished to nominate himself. The right hon. Gentleman (Mr. Bouvierie) objected, requiring that the Committee should be judicial, and that, as so many private interests were involved, it should be nominated by the Committee of Selection. At last a compromise was effected, the First Commissioner nominating seven members, while five were nominated by the Committee of Selection. Hitherto the Crown lessees had been neutral, but now they were compelled to come more prominently forward. On a Bill of that nature the Crown had no power of appearing before the Committee, because it had a power of veto before the third reading in the Lords. Nor had the general public any power of appearing by petition or otherwise. However pernicious the Bill might be, and however injurious to public rights, the public had no means of petitioning or appearing against it, except through some private individual, whose interests were affected. The Crown lessees were therefore compelled to appear, representing the Crown and the public as well as them-

selves : they did not, as had been stated, put themselves voluntarily forward ; the rules of Parliament forced them to appear, that being the only way to secure a hearing and get justice done to the public. Accordingly, they appeared by petition, and the first act of their counsel was once more to ask for the correspondence which they said was absolutely necessary to the proper conduct of the inquiry. The answer given by the Chairman was, not that the correspondence was too voluminous, but that it was not relevant to the inquiry, and would only divert the minds of the Committee from the true subject before them. Could any one understand how such an answer could be given by any gentleman capable, as his right hon. Friend was, of knowing what was the relevancy of correspondence to an inquiry ? However, the Committee, like the House of Commons, ignorant of the nature of the correspondence, were again satisfied by the assurance given, and the correspondence was not moved for. In the course of Mr. Gore's examination, however, it was elicited that he had sent in a report to the Treasury, and then it could no longer be withheld. The report was given in ; but it was not until the Committee had sat for several days that they had ever heard of Mr. Pennethorne's plan or of Mr. Gore's report. It was not till the Committee had come to their main conclusion, and had almost finished their Report, that they became aware of the real nature of the correspondence and of the expectation of the Treasury that the alternative plan would be laid before Parliament. No sooner did the Committee hear the conclusive evidence of Mr. Pennethorne, and peruse the report of Mr. Gore, than, without waiting to hear the counsel on the same side, they came at once to a resolution in favour of Mr. Pennethorne's plan by a majority of seven to four. He saw the names of the Committee commented on a good deal out of doors. In the majority were Sir John Shelley, Lord Robert Montagu, Mr. Crawford, Lord Harry Vane, Mr. Ker Seymer, Mr. Garnett, and Sir William Jolliffe ; and in the minority were Sir Morton Peto, Sir Joseph Paxton, Colonel Knox, and Mr. Pollard-Urquhart. He would not say anything to hurt the feelings of any of his hon. Friends ; but certainly, if the Committee of Selection had had the nomination of the Committee, the names of Sir Morton Peto and Sir Joseph Paxton would not have appeared upon it, because he had always understood that the

hon. Member for Coventry had been the projector of the old scheme, and that the hon. Member for Finsbury took a lively interest in it also. Having given that sketch of the proceedings upon this question for the last three years, he would next appeal to the House and to the First Commissioner, in what respect had the Duke of Buccleuch committed any offence against the public interest ? On the part of the public, and for the satisfaction of the public, they had a right to an answer. His right hon. Friend had heard those charges ; he knew they had been widely disseminated ; he had admitted that he had been in correspondence with the parties who were making them, and therefore they had a right to know from him—did he believe these charges to be true, or did he not know them to be entirely false ? He asked the question, not as a matter of courtesy, but on behalf of the public as a matter of strict right. Was it not evident that the Duke of Buccleuch did not take the initiative either in supporting or in opposing any plan ? Two plans were presented to him, emanating from two Government departments. The First Commissioner of Works was opposed by the First Commissioner of Woods, and the First Commissioner of Woods was attempted to be snuffed out by the First Commissioner of Works. In that civil war, for which the Duke of Buccleuch furnished the ground of battle, he was compelled to take a part. He had no alternative. He preferred the plan which he felt was best for the public interest, and the Committee of the House of Commons, after a careful, laborious, and conscientious inquiry, endorsed his judgment. But it was said the Duke of Buccleuch was too strong for his right hon. Friend and the Committee ; he overbore them by the exercise of undue influence. Let the House contrast the proceedings of the First Commissioner with those of the Duke of Buccleuch, and then say on which side was the undue influence. The First Commissioner had for three years been working assiduously at his project—first, through the Committee of 1860—a favourable Committee, nominated by himself ; then, through a Royal Commission in 1861—a favourable Commission, nominated by himself ; and that year by a Bill prepared under his own direction. He had enjoyed the advantage of the most eminent counsel, a large choice of witnesses, unusual facilities (of which he had not been slow to avail

himself) for producing or suppressing evidence, absolute command of public money for his expenses, the whole influence of the Government, the support of one popular and powerful organ of the press, and lastly the nomination of the Committee with himself as Chairman. Now, contrast with that the conduct and position of the Duke of Buccleuch. For two years, while the right hon. Gentleman was active, he was passive. At the outset he might, if he had chosen, have invited the Crown lessees to meet and organize an opposition to the scheme of the right hon. Gentleman. He might, through his friends in that House, have given a very different complexion to the Committee of 1860. He might have secured the appointment of at least one independent Member upon the Commission of 1861. He might have opposed the second reading of the Bill, on the ground that Mr. Pennethorne's plan was burked. He might have insisted on an earlier production of the correspondence. He might have obtained support for the Motion of the right hon. Gentleman (Mr. Bouvierie), that the Committee of that year should not be nominated by the First Commissioner, with himself as Chairman. The Duke of Buccleuch did none of these things. He made no stir. He used no political or personal influence of any kind whatever. When the Committee of that House was named—a Committee which was no respecter of persons, before whom the peasant and the peer met as equals—then the noble Duke presented himself in the same attitude as the poorest inhabitant of Westminster who could afford to fee counsel. The Duke of Buccleuch petitioned, as an humble petitioner, for that justice which, in this land of liberty, was as open to the poor as to the rich, and was not open to the poor to the exclusion of the rich. He appealed for justice before a tribunal nominated and presided over by his opponent, and therefore not unduly favourable to him, and he got a verdict so favourable to himself, and so condemnatory to his opponents, that they were compelled to resort to practices hitherto unknown in the history of Parliament to cover their confusion and defeat; and, not content with assailing and insulting the petitioners against the Bill, they insulted the House of Commons itself, by charging its Committee with the new crime of cringing servility to a duke. There was not a man of education and understanding in that House, or a man out of it, who did not know that

there was not a Member of the Committee who would condescend for a moment to ask whether the persons before him were peers or paupers. And now, had not the House begun to perceive why the Duke of Buccleuch's name had been brought so prominently before them, when he was only one of a body of lessees, whose property was as valuable to them as his was to him; and who were ready to avow—or any one of them ought to be ashamed if they did not avow—that they were as deserving of obloquy and odium as he was? The reason was very obvious. If the Bill had been defeated by the opposition of a body of unknown or obscure individuals, it would have been said to have fallen on its own merits; but by selecting a duke whose new mansion stood conspicuously open to the remark—at least, suggesting the idea—that its owner must be in opposition to the people, by exaggerating his power and blackening his character, a new and false issue was raised, and a cry got up against ducal influence. It was made a question of public rights against aristocratic usurpation. Extraneous matter was brought in, and new and false versions of old stories were got up, with the view of exciting a prejudice against the noble Duke. Thus, one candid writer reminded the public of a tow-path at Richmond, in order to fix on the noble Duke a responsibility that attached to his grandfather. Another denounced the monopoly of a harbour at Granton, which the Duke had been so wicked as to make on his own property, and out of his own funds, and to which the public had flocked in such numbers as to show that it was a great public benefit. That harbour had cost more than £250,000, which sum might, indeed, return to his Grace's heirs, but was lost to him. They had raked up an old story about Montagu House, to show that the Duke of Buccleuch sold his political influence for a new lease of a house. Ought political and personal matters to be imported into the matter? Was it not disgraceful that they should have been imported into it? Who had done it? Who had instigated it? Who was responsible for it? But what must that cause be which required to be propped by such means? He had made a statement of what was done by the Duke of Buccleuch in regard to the Bill. He had done so as a public man, speaking to those who were engaged in conducting a public inquiry; but he should not feel that he had

discharged his duty fearlessly and honestly if he did not go one step further. He would state what he knew from personal knowledge of the character and conduct of the Duke of Buccleuch since his Grace came before the world. That character and that conduct ought to have protected him from those insults. It did so happen that during a long political struggle he had ample opportunities of observing the Duke of Buccleuch's conduct. He did so with certainly no prejudice in favour of his Grace, who, during the time to which he referred, was on the unpopular side. He was bound to state the conviction forced on his mind during the heat of that political warfare—a conviction which, within the last twenty years, he had frequently given expression to in private when the character of great landed proprietors was the subject of conversation. He had formed a high standard of the duties that devolved upon great proprietors, and he now for the first time in public declared what he had often stated in private—that the present Duke of Buccleuch approached as near to that standard as any man living. Bringing an active energy to whatever he undertook, and undertaking what he believed would be generally beneficial, spirited as he was rich, and the unostentatious promoter of good works, an earnest but high-minded politician, a man combining active business habits with a love of all manly sports, his private life without a stain, his public character without a blot—he did in his heart believe that the Duke of Buccleuch presented to his countrymen, as near as any man living, an example of all that could render one of the richest in the land an ornament to the peerage and an honour to the country. Had the Duke of Buccleuch had fair play? Had the House of Commons had fair play? Had the Committee had fair play when the correspondence had not been laid before them? It was only after they had been kept in the dark as to the real character of the question they had to judge, that they allowed themselves to be surprised into the resolution which brought upon them all those charges of weakness and vacillation which could never have been made if the case had been properly brought before the Committee. The First Commissioner threw himself into the matter before he was warm in his office. He determined that the public should have no voice. The

Commission and the Committee were one-side. The Treasury, taking a fair and impartial view of the question, said that the House should have the alternative plan before them. The House and the Committee called for the correspondence. Neither the one nor the other got it. This being so, he could not but think that the right hon. Gentleman had acted unfairly towards the House, disingenuously towards the Committee, and injuriously to the public interests.

Mr. COWPER said, he did not think this an occasion on which he could permit himself to follow the right hon. Gentleman through the personalities on which he had spent so much time, and he altogether declined to enter into any discussion on the private character of the Duke of Buccleuch, which was not, he was happy to say, the question before the House. He begged to assure the right hon. Gentleman that he had no right to call him an opponent of the Duke of Buccleuch. He could not follow the right hon. Gentleman in the soaring flights of imagination and fancy in which he had panegyrized that noble Duke, but he had the greatest respect for him. He believed him to be a good landlord and high-spirited gentleman, and an honest and straightforward man. He thought his Grace's evidence before the Committee did him credit. He made no disguises; he said he came to stand up for his rights. But when he was put forward as a man who had been ill-treated—when an hon. Member thought it chivalrous and courageous to come to the assistance of that ill-treated Duke—he must take the liberty of expressing his opinion that the noble Duke got ample justice at the hands of the Committee. If the evidence was sifted, and the divisions were examined, they would be found not to be taken the slightest want of indulgence towards his Grace. He had never attacked the noble Duke; but he said now he was very sorry his Grace should be put in such a position that his interests wore in opposition to those of the public. He was sorry his Grace had not adopted the course which he thought he should have taken had he been placed in a similar position. He thought that under such circumstances he should have submitted to the little inconvenience of a public road near his house rather than have insisted on privacy and endeavoured to stop so great, so urgent a public convenience as

the roadway in question would be. Comparisons had been made between the compositions of the Royal Commission to which the subject of the embankment had been referred and that of another Royal Commission; but that other Commission had to consider the great question of the improvement of the entire metropolis, and therefore it was necessary to have persons of wider experience on it. The case put forward on the part of the Duke of Buccleuch and the lessees was, that their privacy would be in some degree interfered with, and that it would be necessary to build a wall between their houses and the new road, which would interfere with the view of the river from those houses. That statement was specially supported in reference to the house occupied by the right hon. Gentleman the Member for Stroud (Mr. Horsman). He came to a point on which much reliance was placed—namely, the alternative plan. The right hon. Gentleman the Member for Stroud said, that he ought to have brought the alternative road before the Committee. He denied that he had any such duty before him. The hon. Member for Dorsetshire (Mr. Ker Seymer) said, that as Chairman of the Committee, he did not appreciate the importance of the alternative plan. His view was, that the suggestion of the alternative plan was merely a trap laid for the Committee and a device to defeat what could not be resisted on its own merits. He was sorry it had succeeded. In his evidence before the Committee, Mr. Gore stated that there had been a meeting of the Crown lessees. Mr. Gore was asked, in reference to Mr. Pennethorne's plans—"Either of those two roads would have the effect of preventing the road from passing in front of the Crown property at Whitehall?" To which he replied, "They were prepared with that intention." They were prepared thus with the intention of excluding the public from the embankment at Whitehall Gardens. Accordingly, an attempt was made to press upon the Commissioners that one of those two roads was an alternative plan, but the Commissioners declined to adopt that view, and said, "We think either of these roads is a good one, but we want it as an addition, and not as an alternative." One of those two roads was assented to unanimously by the Crown lessees, by the Crown, and the Commissioners adopted it. That was the road before the House,

and which, if the Bill passed, would be adopted. That alternative line was a street passing from the embankment at Whitehall Stairs along Whitehall Yard, through Lord Carrington's house to Whitehall. The Commissioners saw that it was no alternative, but an addition. He (Mr. Cowper) took the same view, but those who conducted the case for the Duke of Buccleuch and the Crown lessees before the Committee, produced another plan for a street starting from Whitehall Stairs, crossing Whitehall Yard, and reaching Whitehall through Gwyder House, which was now occupied by the Poor Law Board. He thought the Committee were entirely in error in adopting that as an alternative road to the embankment. He had never thought of bringing that road before the Committee, because he had never viewed it as an alternative, but only a possible addition. Looking at the matter impartially, after all the evidence that had been given, he did not think it was properly an alternative road. If the Committee had not acted with precipitancy in clearing the room at the conclusion of the evidence of the right hon. Gentleman the Member for Stroud—if they had followed the ordinary course, and had allowed the counsel for the promoters of the Bill to reply, to rebut that evidence, and to criticise the plans suggested by Mr. Pennethorne, he believed the Committee would have been fair enough to decide in a different manner to that into which they were hurried. He thought no further argument or detail was necessary to prove that it was almost absurd to treat that road as an alternative. It was shutting up the embankment in front of the house of the Duke of Buccleuch and those of the other Crown lessees in Whitehall Gardens, in order to concentrate all the traffic in Parliament Street. He thought that no argument was needed to prove that two roads were better than one, and that it must be better for the traffic to pass directly from the foot of Westminster Bridge along the embankment, rather than to compel it to go along Parliament Street. The right hon. Gentleman had very amusingly described the difficulties which every one coming to that House encountered at the corner of Bridge Street and Parliament Street; but he (Mr. Cowper) would ask, what would the alternative line, as it was called, do to diminish the excessive traffic at that corner? A large proportion of the traffic

passed over Westminster Bridge—on some days, probably, at least 2,000 carriages in the course of the day. Most of those vehicles would, if the original plan in the Bill were adopted, pass from Westminster Bridge to the embankment; but if the plan recommended by the right hon. Gentleman was adopted, they would all be obliged to pass into Parliament Street, and block up that already over-crowded street. He contended, therefore, that it was quite an error to treat that as an alternative plan, and that any further inquiry before an impartial tribunal would result in its being treated, not as an alternative, but as an addition. As to widening Parliament Street, that would be a useful portion of any plan of improvement. He could assure the House that no engineering difficulty whatever existed to the continuation of the embankment along the front of the Houses of Parliament. He knew that the high authority of the hon. Member for Bath (Mr. Tite) had been given against it, but he relied upon a higher authority than that of the hon. Member for Bath—the authority of common sense. He had also been assured by very distinguished engineers that it was perfectly idle to imagine there was any engineering difficulty in the construction of a roadway in front of the Houses of Parliament. It was not proposed to have a solid embankment at that point, but a roadway might be carried on iron columns, or on stone piers in the water. It would be obviously a great improvement to unite the embankment proposed with that at Milbank, and thus get a continuous embankment of three miles in length along the north bank of the river. That, however, would be entirely prevented if the embankment were wholly stopped at Westminster Bridge.

He wished to say a few words on the provisions of the Bill. There were three courses before the Committee with reference to that portion of the embankment between Whitehall Stairs and Westminster. The first was that which he proposed in his Bill—that the public should have the unconditional use of the embankment, both as a footway and a carriage way. That plan was supported by four members of the Committee. The second proposal was that advocated by the counsel of the Duke of Buccleuch and the Crown lessees, that the public should be unconditionally excluded from the embankment in front of their houses. That

proposal had the support of three members of the Committee. The third plan was that which the majority of the Committee adopted, and which neither altogether excluded the public nor altogether admitted them, but which suspended a decision on the roadway until time had been given for further consideration. He felt confident that the more inquiry and consideration were given to the subject the more certain it would appear that there was no sufficient reason for excluding the public from the full enjoyment and use of an embankment that was to be made out of the public money. The clause as it stood would not be so objectionable if it were made clear that the Bill did not prejudice the rights of the public, and if a clause should secure to the public the use of the footway until Parliament should otherwise direct. If, however, he thought that the Bill affirmed, or would lead in any way to the absolute exclusion of the public from that portion of a continuous embankment which might be constructed in front of the Houses of Parliament, he never would consent to it, because such an arrangement would not, he thought, be justified by the facts of the case. With regard to the carriage-way from Whitehall Stairs to Westminster Bridge, he believed that the evidence of injury to the inhabitants of the houses from that source was so slight that the House and the Government would not be justified by any such considerations in waiving the claims of the public to such a roadway.

LORD JOHN MANNERS said, that not having been a member of the Select Committee to which so much reference had been made, he could only express his great surprise at the criticisms which had fallen from the right hon. Gentleman the Chairman of that Committee upon the conduct of his brother members. Unless his ears deceived him, the right hon. Gentleman had accused the members composing the majority of that Committee of a want of fairness, hasty judgment, of rashness and precipitancy. Now, it appeared to him (Lord John Manners) that that was language of a very strange character to fall from the Chairman of the Committee when commenting upon the deliberate action of its members. The members of the majority of the Committee would probably find some salve for the wound inflicted by his injurious observations in the right hon. Gentleman's an-

nouncement of his intention to support the Bill as amended by the Select Committee. He was afraid, however, that if the Bill passed, the House would at some future period have the right hon. Gentleman's new scheme of a roadway in front of the Houses of Parliament ushered in with an alarming paraphernalia of estimates and engineering outlay. The right hon. Gentleman said, although the architectural authority of the hon. Member for Bath (Mr. Tite) went to show that there were some engineering difficulties in the way of his plan, nevertheless he felt it supported by a much greater authority—namely, that of common sense. The House was put in a very unsatisfactory position when it was called upon to decide the question of the Thames embankment when it was brought forward in the manner proposed by the right hon. Gentleman. The scheme before them was only regarded as valuable by the right hon. Gentleman as a portion of some further scheme for an embankment in front of the Houses of Parliament upon some plan of construction which he could not exactly catch, and which, if he had caught, he should probably not have understood. He could not help thinking that the right hon. Gentleman's scheme of a new embankment up the river would materially interfere with the course of the stream, and that such a plan had never yet been suggested by any Commission or other body entitled to speak with authority. The House must have heard with pleasure the eloquent address of the right hon. Member for Stroud (Mr. Horsman), to which he (Lord John Manners) had very little to add by way of criticism. He must, however, say that he differed from the right hon. Gentleman in thinking that the Committee of 1860 was unfairly constituted, or that it arrived at a conclusion favourable to any one particular portion of the embankment. The Committee agreed upon the desirableness of embanking the Thames, and settled where the funds were to come from, and the executive body to whom that great work was to be intrusted. [Mr. HORSMAN: And the roadway to Westminster.] On that subject they did not go into minute details. He would ask the House whether a great deal of the difficulty, perplexity, vexation, and confusion with which the question was surrounded was not owing to the course taken by the Government in opposing the recommenda-

tions of the Committee of 1860? Instead of confiding the execution of the proposed embankment to the Metropolitan Board of Works, the first thing the right hon. Gentleman did was to appoint a new Commission to inquire into the subject. The right hon. Gentleman's defence of the mode in which that Commission was constructed was not a little extraordinary. The names of the Commission of 1844 had been contrasted with those of the Commission of 1861, and the right hon. Gentleman said, in reply, that it was necessary that the Commission of 1844 should be composed of men of weight. The right hon. Gentleman had left the House to infer that in his mind it was not necessary to appoint gentlemen of weight upon the Commission of 1861. He confessed, when he read the list of names, he came to the opinion which had been expressed by the right hon. Gentleman the Member for Stroud, that it was not a Commission so constituted as to impress the public with a conviction of its impartiality. That Commission must be held to represent the views of the Government of the day, and therefore, being so constituted, it could not give satisfaction to the people out of doors. That Commission, again, departed from the recommendations of the Committee of 1860, and recommended that the construction of this great metropolitan improvement should be handed over, not to the Metropolitan Board of Works, but to some body which was darkly hinted at, but which he supposed was themselves. Well, the Government hit upon a novel scheme; they took the management of the Bill into their own hands, they prepared it, and made themselves responsible for it; but at the same time they proposed to charge the Metropolitan Board with the responsibility of the execution of the works. That was a system of divided responsibility which must necessarily lead to complexity and confusion of all kinds. And the result had been what had been anticipated. He remembered that in the month of April the right hon. Gentleman the First Commissioner alluded to the Thames Embankment as a great work in the charge of his own department. When he (Lord John Manners) heard that, he got up immediately and protested against such language as contrary to the recommendation of the Select Committee and the settled intentions of the Legislature, and he warned the right hon. Gentleman and the

House of the confusion which must necessarily result if that hybrid scheme of divided responsibility were persevered in. And now they had been informed by the Members of the Committee of the hopeless confusion in which they were involved in consequence of the way in which the scheme was brought before them. They hardly knew, and the public out of doors hardly knew, who were the promoters of the Bill. The Metropolitan Board of Works hardly knew whether they were the promoters or opponents. He had made these few observations in order to prevent similar confusion for the future. He sincerely trusted that they should hear no more of continuing the Thames embankment in front of the Houses of Parliament; and that when the Bill became law, it would be held to be the termination of the Thames Embankment scheme, so far as that part of the river was concerned. Whether it might not go further down the stream, was a separate question. But the right hon. Gentleman having based his support of the amended Bill of the Committee on the feasibility of extending the embankment past the Houses of Parliament, he thought it only right to enter his protest against such a scheme, and to express a hope that they had heard the first and the last of it."

VISCOUNT PALMERSTON : Sir, I hope my hon. Friend the Member for Lambeth, who has made the Motion which we are now discussing, will not take the sense of the House upon it, because I think he will see that it is inapplicable to the Bill and to the stage of the Bill which is now under consideration. To refer that plan back to the same Committee would be positively useless; and any Amendment which he thinks the Select Committee might make, it would be open to him to propose in the Committee of the Whole House. I should like to say a word or two now upon the question which we have been discussing. It is remarkable, that the real question being the simplest one possible, and lying in the narrowest compass—namely, whether the roadway on the embankment should stop at Whitehall Stairs or go to Westminster Bridge, we have been led by those who opposed the extension to Westminster Bridge into the most complicated discussion about Commissions which sat Heavens know when, the constitution of those Commissions, whether those who sat upon other plans were fit to sit upon them, into personal

attacks upon my right hon. Friend, defences of the Duke of Buccleuch, whom nobody would attack that knows anything of his character—and of my right hon. Friend I will also say, that nobody would attack him who justly appreciates his character. In fact, every possible topic has been adverted to in order to draw away the attention of the House from the real question, and to involve it, like one of Homer's heroes, in a cloud, for the purpose of defending their darling object—namely, the preservation of the gardens which skirt the banks of the river. Now, it appears to me to be the plainest possible position, that if the Thames is to be embanked from bridge to bridge, and if that is to be done by means of resources furnished by the whole metropolis, the whole metropolis ought to have the full benefit. Now, those who are most violent in their opposition do not dispute that the embankment would be a great improvement. The noble Lord who has just sat down, and who attacks the Government for having proposed the scheme, bringing that as a charge against them, as if the scheme was an obnoxious one, does not dispute it. Why, no one that I have ever heard speak on the subject has ventured to say that it is not desirable to make an embankment and a broad road upon it for the accommodation of the public. The whole question is this—whether that road should be continued to Westminster; and, if so, whether nobody should be permitted to go upon it except upon his own feet. Now, one thing is certain ; let the House determine as they may upon the Bill as it now stands, let them restrict it as they choose, that restriction will not, cannot, be maintained. My right hon. Friend the Member for Stroud, though in the most chivalrous manner he broke a lance in favour of the Duke of Buccleuch, ended by saying that the question was between the Duke of Buccleuch and the public. ["No, no !"] Why, his own confession and statement were to that effect. Does any man suppose that the public at large will not think that the position which the right hon. Gentleman took ? ["No, no !"] Well, then, it is not the Duke of Buccleuch singly, but the Duke of Buccleuch and my right hon. Friend, who, in his eloquent defence of his neighbour, spoke one word for the Duke and two for himself. Now, what is the only argument I have heard against continuing the roadway to Westminster? The argument is very absurd

indeed. It is said that in order to disincumber the thoroughfares of London from the pressure of the crowd you are to shut up an additional avenue, and to direct the public stream into the narrow gorge of Parliament Street. And then it is said that you may get rid of any difficulty in that quarter by spending £300,000 in pulling down one side of Parliament Street—the pulling-down of the whole would be more expensive, for you would have to buy all the houses between Parliament Street and the site of the new public offices. But if you were to save by so doing the expense of the embankment, that plan might be very good. But no, the embankment is to be made. But then it is said, if you give over that part of the embankment to the lessees of the Crown, and respect their rights, they will furnish money to make it. But you might go along the whole front of the river and say that each proprietor may buy the part before his own house, and then the public thoroughfares would be destroyed. But, it is said, can you do anything so absurd as to make a thoroughfare that will come at right angles to the foot of the bridge? Well, is there any town which any hon. Gentleman is acquainted with in which that has not been done? Dublin has been mentioned. Every bridge which crosses a river must be at right angles with the quays along its banks. Has any hon. Gentleman who opposes this continuous roadway been to Paris? There all the streets leading to the bridges are at right angles with the quays. If I mistake not, the same thing is seen at Florence. I forget exactly whether it is not so also at Berlin and Dresden, but I rather think it is. But one really need not go so far for examples. Has any hon. Gentleman happened to visit the cattle show? Has he gone by Chelsea Bridge? Because, if he has, unless my memory greatly deceives me, he had to proceed along an embankment, and then turn at a right angle to cross the bridge. But it is really childish to say that you are not to have a roadway up to Westminster Bridge, because, when you get to the foot of the bridge, however you may round the corner, you must make a sharp turn to cross the river. My hon. Friend the Member for Southwark has given notice of a Motion to leave out that clause. Nobody can tell what the decision of the House may be on that point, but I should be sorry to see the clause affirmed as it stands. Of course, it has

arisen entirely by accident; but the preamble of the clause, and the enacting part of it, are directly at variance with each other. The preamble contemplates a further inquiry, and a result to depend upon that inquiry; while the enacting part of the clause positively declares that no roadway shall be made between Whitehall and Westminster Bridge. The effect of that, if passed, would be to give the persons interested—and who avow themselves to be interested—a Parliamentary title to be exempt from having a carriage-way along that portion of the embankment. I am sure that would not be the intention of this House, and therefore I have given notice of an Amendment providing that that shall only be till Parliament shall otherwise determine. If the clause should be adopted with that Amendment, it would still leave the matter open for further investigation; and the persons concerned could not say, if Parliament should next Session determine that the roadway should be free for carriages, that they would thus be deprived of anything which Parliament had this Session secured to them. That is the object with which I proposed my Amendment. If the House agrees to it, it will then decide as it thinks fit with regard to the clause itself. If the clause stands with that Amendment, the matter will remain perfectly open for the House to reconsider it next year. The House will have full liberty, without giving any pretence of complaint to the parties interested, to open the whole extent of the roadway to Westminster Bridge. If, on the contrary, that should not happen next Session, I am pretty sure it will happen the Session after that, or, at all events, very soon; for it is clear that this cannot be a permanent arrangement. I will only now express the hope that my hon. Friend the Member for Lambeth will withdraw his Amendment, and allow us to go into Committee.

MR. DOULTON said, that as the Members of the Committee had only defended their misdeeds, he agreed with the noble Lord that it would answer no practical end to refer the question back again to them, and he would therefore withdraw his Amendment.

MR. SCULLY said, he had been listening there for six hours to an angry debate concerning the character of a noble Duke. ["Oh! oh!"] If hon. Gentlemen wished to hear him at considerable length, they would continue to interrupt him. They

had had nothing but a series of English rows that Session. The complaint was becoming chronic, and they were fast degenerating into a species of Rowdyism, which the Irish Members really did not approve. These acrimonious personal attacks of English Members upon each other were calculated to wound the sensitive minds of the Irish Members, who sat there as Parliamentary buffers to soften collisions. If, however, these encounters must continue, he did humbly trust that those who engaged in them would try to imitate the Hibernian example by infusing a little more humour and good temper into them. He also hoped, when the important business of the sister country was again under discussion there, the Irish Members would not be charged with wasting the time of the House.

Amendment, by leave, withdrawn; Main Question put and *agreed to*.

House in Committee.

Clause 1 (The Lands Clauses Consolidation Acts incorporated with this Act).

Mr. AYRTON said, he hoped they were not to go on with the Bill, which did not in the least conform with the statement made by the noble Lord at the head of the Government. He trusted the noble Lord would abide by that statement, and assist the metropolitan members in securing that the public should have the full benefit of the improvement for which they were to be taxed. When they examined the clauses which the patriotic Chief Commissioner of Works had introduced, they would see how much of the Thames Embankment was to be given to the public and how much to be frittered away in other directions. And when they came to the question of the Crown lessees, they would have to consider what was to be done, not merely with a footway of eighty feet wide, but with the rest of the valuable land to be reclaimed from the river at the public expense, and whether it was to be allotted to the Crown lessees as garden ground, the worth of which was to be computed according to the number of cabbages it could produce.

VISCOUNT PALMERSTON said, he hoped that the introductory clauses, which would give rise to no discussion, would be gone through that night.

Clause *agreed to*; as were Clauses 2 to 5 inclusive.

Clause 6 (Power to make Works according to deposited Plans).

*Mr. Scully*

Mr. AYRTON moved that the Chairman be ordered to report progress.

House *recessed*.

Committee report Progress; to sit again To-morrow.

FORTIFICATIONS (PROVISION FOR EXPENSES) BILL—[BILL No. 168.] COMMITTEE.

Order for Committee read.

In answer to Mr. BENTINCK,

SIR GEORGE LEWIS said, the Thames Embankment Bill would be fixed for to-day. If it was concluded to-day, the Fortifications Bill would be taken the first thing on Monday; otherwise it would be the second Order.

MR. BERNAL OSBORNE: Yes; but the House ought to have a more definite answer; and unless one was given, he should divide the House on the question that the Bill should be absolutely fixed for Monday.

VISCOUNT PALMERSTON: Let us do one thing at a time. We have got one Bill before us; let us finish that. If there is time on Monday for the hon. Gentleman to make a long speech, we will go on with the Bill; if not, I will agree to postpone the Order.

MR. BERNAL OSBORNE: I wish that there may be time also for the noble Lord to make a long speech in reply.

Committee *deferred till Monday next*.

INCLOSURE (No. 2) BILL—[BILL No. 174.] THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, “That the Bill be now read the third time.”

MR. PEACOCKE inquired whether the Bill was similar to one which had already passed that House with considerable opposition; and whether its object was to enclose a second portion of Hainault Forest?

SIR GEORGE GREY replied that it was precisely similar to the Bill referred to, and its object was to give effect to certain provisional orders made by the Enclosure Commissioners. These orders were not made without the fullest notice in the neighbourhood, and a report was laid on the table of the House before the Bill was introduced. In that case no petition had been presented against the Bill.

MR. COX said, that the Bill had only

been introduced within the last few days, and the inhabitants of the eastern part of the metropolis, who would be affected by the enclosure of Hainault Forest, knew nothing about the measure.

MR. PEACOCKE observed that notice was given to owners of property in the neighbourhood, but they were precisely the class of persons who would be benefited by the enclosure; and the persons who received no notice were the public at large. Nevertheless, a petition against the Bill was in course of preparation for the purpose of being presented to the House of Lords. For the sake of the poorer classes of the metropolis, who used Hainault Forest for the purpose of recreation, he objected to the proposed enclosure, and should therefore move, as an Amendment, that the Bill be recommitted.

*Amendment proposed,*

To leave out from the words "That the" to the end of the Question, in order to add the words "Order for the Third Reading of the said Bill be discharged,"

—instead thereof.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 72; Noes 76: Majority 4.

*Words added.*

Main Question, as amended, put, and agreed to.

*Ordered,* That the Order for the Third Reading of the said Bill be discharged.

Bill re-committed for To-morrow.

**POOR RELIEF IRELAND (No 2) BILL.**

[BILL NO. 180.] COMMITTEE.

Order for Committee read.

House in Committee.

SIR ROBERT PEEL said, he wished to move the insertion of a clause in lieu of one which he had withdrawn, providing that every person making application for relief after the passing of the Act should be deemed to have been resident in the electoral division in which, during the period of five years immediately before the application he had been longest usually resident, certain qualifications being laid down as to the electoral division in which the persons seeking relief should, under certain circumstances, be chargeable. The clause was, he might add, the same as had been in operation in Ireland for some time.

MR. CONOLLY said, he objected to the clause, as it did not carry out the views of the Committee.

Clause agreed to.

House resumed.

Bill reported; as amended, to be considered To-morrow.

**POOR REMOVAL BILL**—[BILL NO. 181.] COMMITTEE.

Order for Committee read.

House in Committee.

Clause (Parties aggrieved by Warrant of Removal may appeal) brought up, and read 1°.

Question put, "That the Clause be read a second time."

The Committee divided:—Ayes 31; Noes 48: Majority 17.

Another Clause (Substitution of Three for Five Years' Time specified in 8 & 9 Vict., c. 83, s. 76) brought up, and read 1°.

Question proposed, "That the Clause be read a second time."

Whereupon Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again," put, and negatived.

Original Question put.

The Committee divided:—Ayes 20; Noes 46: Majority 26.

House resumed.

Bill reported; as amended, to be considered To-morrow.

House adjourned at half after Two o'clock.

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**HOUSE OF LORDS,**

*Friday, July 4, 1862.*

**MINUTES.]**—**PUBLIC BILLS.**—1<sup>a</sup> African Slave Slave Trade Treaty; Pier and Harbour Orders Confirmation; Sheep (Ireland).

2<sup>a</sup> Crown Private Estates.

3<sup>a</sup> Sandhurst Vesting; Portdown Fair Discontinuance; Garden in Towns Protection; Consolidated Fund (£10,000,000).

**EAST GLOUCESTERSHIRE RAILWAY BILL.—CONTEMPT OF THIS HOUSE.**

THE LORD CHANCELLOR said, that on the examination of William Isaacs and John Preston last week, with regard to the manner in which they had got up a petition against the East Gloucestershire Railway Bill, their Lordships had reason to

believe that those two men were the instruments of others, and ordered that those other persons should be called to the bar for examination on the subject. He thought the course which would be wiser and in accordance with precedents would be to refer the whole matter to a Select Committee. He therefore moved that a Select Committee should be appointed to investigate the subject, and that Isaacs and Preston, together with Mr. R. S. Lingwood, solicitor, at Cheltenham, C. W. Maisey, clerk to Lingwood, and Mr. Boodle, solicitor, the employer of Isaacs, should be ordered to attend before that Committee from time to time.

*Motion agreed to.*

The Order for the Attendance of William Isaacs, Clerk to Mr. Boodle, Solicitor at Cheltenham, and John Preston, Town Crier at Cheltenham, and Robert Sole Lingwood, Solicitor at Cheltenham, and Charles William Maisey, Clerk to the said Robert Sole Lingwood, at the Bar of this House, in reference to their Conduct with regard to the Signatures to the Petition of Barbara Robinson and others of Cheltenham, presented on the 22nd of May last, praying to be heard by Counsel against the "East Gloucestershire Railway Bill," *discharged*: Then a Select Committee appointed to inquire into the Circumstances attending the Conduct of the said William Isaacs, John Preston, Robert Sole Lingwood, and Charles William Maisey, and also of William Boodle, Solicitor of Cheltenham, with regard to the Mode of obtaining Signatures to the said Petition of Barbara Robinson and others of Cheltenham, presented on the 22nd of May last: The Lords following were named of the Committee; the Committee to meet on *Monday* next, at Eleven o'Clock, and to appoint their own Chairman:

L. Steward.

E. Stradbroke.

L. Portman.

L. Overstone.

L. Churston.

*Ordered,*

That William Isaacs, Clerk to Mr. Boodle, Solicitor at Cheltenham, and John Preston, Town Crier at Cheltenham, Robert Sole Lingwood, Solicitor at Cheltenham, and Charles William Maisey, Clerk to the said Robert Sole Lingwood, and William Boodle, Solicitor at Cheltenham, do attend the above Committee on *Monday* next, at Eleven o'Clock, in reference to their Conduct with regard to the Mode of obtaining Signatures to the said Petition of Barbara Robinson and others of Cheltenham, presented on the 22nd of May last.

*The Lord Chancellor*

#### HUDSON'S BAY COMPANY—COMMUNICATION WITH BRITISH COLUMBIA.

##### ADDRESS FOR CORRESPONDENCE.

THE EARL OF DONOUGHMORE, in moving an Address for Copies of Correspondence relating to the establishment of a means of a communication between Canada and British Columbia, said, that a large part of the territory to the north and the west of our Canadian possessions had been for the best part of two centuries in the hands of the Hudson's Bay Company, part of it under a charter of Charles II., and part of it under a licence to trade. Within these territories the company had the sole power of governing the country and trading with the Indian tribes. It was difficult to define the exact boundaries of that part which was held under charter from that which was held under the licence, and in all probability the Secretary to the Colonies would not be able to give any definite information on the point, but it was said that it included all the territory which drained into the Hudson's Bay. At the time the charter was granted the country included in the powers was almost totally unknown, and, as to all that large portion which was held under the licence, remained so down to a very recent period. The licence to trade expired in 1859, and a large portion of the territory which they had held under it had since been erected into a colony under the name of British Columbia. It was well known that that colony since its first establishment had received an immense development from the discovery of gold mines, exceeding in richness all that had been discovered in Australia or California, and very large numbers of persons were desirous of emigrating thither. So long as British Columbia was merely a small colony, it was, perhaps, not worth while to seek for any further means of communication than were afforded by the route over the Isthmus of Panama and the West India line of steamers; but since its immense development it was imperatively necessary that we should have an independent means of communication through our own territories, without having to rely on any other Power, which at some time or other might possibly be hostile. Of course, it would be futile to ask the Government to spend money in making roads or railways. What he would ask of them would be to give such facilities for the introduction of settlers into the colony as would lead to the country being opened up, and

this in the course of time would lead to the construction of the means of communication. He thought it essential that we should be independent, both in peace and war, of any other Power with respect to our means of communication with this rising colony. He did not ask that a large Parliamentary grant should be given for the opening of this communication. All he asked the noble Duke to do was to carry out the recommendations of a Committee of the other House who sat on this subject. The noble Lord, who was very indistinctly heard, concluded by moving that an humble address be presented to Her Majesty for—

"1. Copies or Extracts from Correspondence between the Secretary of State for the Colonies, the Governments of Canada and British Columbia, and the Hudson's Bay Company respecting the Establishment of a Means of Communication between Canada and British Columbia."

"2. Copies or Extracts from Correspondence between the Secretary of State for the Colonies and the Hudson's Bay Company respecting the Renewal of the Licence to trade in the Indian Territory which expired in 1859."

"3. Copies or Extracts from any Correspondence between the Government and the Hudson's Bay Company respecting the withdrawal of the Red River, Satchewan, and Swan River Territories from under the control of that Company, and their Erection into a Colony depending directly upon the Crown."

THE EARL OF SELKIRK wished to say a few words in defence of a body of men with whom he had the honour to be connected—the Hudson's Bay Company. Whenever property belonging to a corporate body was taken for the use of the public, it was usual to give the money value of the property. He had no hesitation in declaring that the Hudson's Bay Company had no wish to stand in the way of any arrangement, if their just claims were properly considered. As in the case of the East India Company, the Hudson's Bay Company would require to have the dividends of their capital secured to the shareholders, and some compensation given to their agents, who had an interest in the business of the Company. If that were done, the Hudson's Bay Company would be quite prepared to give up their property. It had been imputed to the Company that it was opposed to immigration within its territories; but that was not the fact, for the Company had made exertions, and spent a considerable amount of money in attempts at colonization; but the nature of the climate, and the geographical position of the country rendered the attempts unsuccessful. Except where there was an

approach by sea, all settlements in the United States were upon the lines of rivers, the wave of colonization continually spreading along those lines. But no such wave of population had approached the Hudson's Bay territories, and as long as there were large tracts of uncleared land in Canada of equal fertility, but more accessible than land within the Hudson's Bay territory, settlers would prefer the former to the latter. With respect to the charter of the Company, it was not now for the first time that that subject had been mooted. More than fifty years ago a number of able men took exception to it, and obtained legal opinions as to its validity, but those opinions did not lead to any further steps being taken. The navigation of the rivers and bays in the territories was very difficult, and required great experience, as was shown by the fact, that while of the Company's vessels none had been lost, no less than thirty chartered vessels had been wrecked. The country was therefore not of a nature to invite settlers in any numbers.

THE DUKE OF NEWCASTLE said, he did not understand the noble Earl who brought forward the Motion to make any observation hostile to the Hudson's Bay Company. He would remind the noble Earl who spoke last that the circumstances of the territories of the Hudson's Bay Company had greatly changed within the last fifty years. It was true, as the noble Earl had observed, that colonization generally spread itself along the course of the rivers like wave following wave; but if he had visited many parts of the United States in the far West, he would have found that that was not a universal rule, and that in places where fertile land was found settlers spread themselves irrespective of oceans or rivers. In fact, the wave of colonization had advanced very closely to the Red River Settlement itself. With respect to the Motion of the noble Earl, he was willing to produce the papers asked for, except those under the second head, which had been already laid upon the table in 1859. The noble Earl was anxious to know the position of the licence to trade in the district which since 1859 had passed under the direct authority of the Crown. Shortly after the change of Government in that year, he (the Duke of Newcastle) brought in a Bill, the heads of which had been prepared by his predecessor, in anticipation of the Company refusing the offer made to them by the Government,

and which gave power to the British Government, if they should think it necessary, to appoint magistrates in that district. At the time, he stated that he was not at all sure that it would be necessary to appoint magistrates in that district for some years, as he anticipated that the fears of the Hudson's Bay Company regarding an influx of fur traders into that country would be found to be groundless, and that their agents, who had established a moral influence over most of the natives, would be left to exercise any necessary control. The event had justified that anticipation in the Indian territory. But further north was a district in which gold had been discovered. That discovery had greatly altered the state of things, and he expected that he should have to resort to the powers of an Act passed some years ago, the title of which would not at first sight show its relation to British Columbia—the Falkland Islands Act. That Act gave power to the Queen by Order in Council to make provision in certain colonies in which no settled or organized government existed. He did not think it would be dignified for Her Majesty's Government to attempt to exercise influence over the Hudson's Bay Company by means of threats. The only part of the Company's territories in which colonization could have been expected before the discovery of gold was near the Red River; but the discovery of gold had effected a considerable change, and a very large district on the Satchewan must, he believed, eventually pass out of the hands of the Hudson's Bay Company, and any adjustment with that Company must affect a much larger tract of country than the Red River Settlement. Considering the rapid progress of British Columbia, it was certain that before long there must be some means of communication across the continent. It was true that the communication between this country and British Columbia by means of steamers between Panama and Victoria might be improved. He trusted such a line would be established, because for some time that route must be the cheapest and most ordinary route from this country. But the progress of events would not allow the means of communication to be confined to that route. A short time back, when there was an apprehension of hostilities with the United States, he was unable to communicate with the Governor of British Columbia for the space of six weeks, there

being the possible chance of any despatches sent *via* Panama falling into hostile hands. In times of war, and equally in times of peace, it would be necessary to have a communication by land, and that was the general feeling in British Columbia, in Upper Canada, and among merchants and others in this country. It was said that it was an inhospitable region; but he believed that there was a long line of country, of considerable width, which was not only capable of cultivation, but which was really fertile. He did not think that the establishment of a communication would be so expensive as some persons imagined. One peculiarity of the rivers on each side of the Rocky Mountains was, that they were navigable to points wonderfully near to their sources. There was a route, which he thought would be practicable, by which persons starting up the Fraser River reached its source in fourteen or fifteen days, nine of which they spent on board a steamer, and the remainder in a stage-waggon. You then reached a point on the western side of the Rocky Mountains, whence you had the option of either navigating the Upper Satchewan or cutting straight across to the Red River—a fifteen days' journey. To make this route practicable we had a right to expect that the colony of British Columbia, on its side, should bear the whole expense of making the roads up to the summit of the Pass of the Rocky Mountains, and it could hardly be doubted that Canada would be equally ready to effect that communication on its side, and within its territory. The House of Commons, however, could not be expected to vote a sum of money to perfect the communication between one of these points and the other. With regard to the alleged discovery of gold on the Satchewan, he could not say that he was thoroughly convinced on this point. No doubt, gold had been discovered there, but whether it was in such quantities as would lead to any great immigration could not yet be determined. It was not likely, however, that while the extraordinary productiveness of the gold-fields in the Cariboo district continued, that many persons would go in search of the precious metals in the Satchewan district. He could assure the noble Earl, that so far from having neglected the whole subject, he had been, and still was, in communication with parties with a view to a telegraphic and some kind of postal communication across the coun-

try. He wished, however, to guard against the assumption, from anything which fell from him, that this communication could be easily effected. A Company had been set on foot; but he was afraid that if they attempted to carry out their present plan, it would lead to disasters. This passage was totally unlike that to which they compared it—the route across the Rocky Mountains between the settled part of the United States and California. Some 30,000 persons crossed that country every year, and a most inhospitable country it was. But these persons went throughout in waggons, laying in their own provisions, and relying upon their own resources along the whole route. On the line he had indicated, however, there was a constant change of passage from waggons to steamers, and therefore much organization was necessary before the route could be practicable and safe. The position of the Hudson's Bay Company created a great difficulty in dealing with all these questions. Under their charter the Company claimed the right of possession in fee simple of the whole of this great country as completely as any property belonging to any of their Lordships. They asserted their right to all the enormous territory bounded by the Western States of Canada and the Rocky Mountains, by the United States territory, and on the north by Hudson's Bay—a country so vast that at the price of one penny per acre it would cost £700,000 to purchase it. Moreover, before they would surrender their rights the Company claimed to be reimbursed the large amount paid to the late Earl of Selkirk for his possessions there, compensation for improvements, and for their monopoly of trade. They also said, "If you take the Satckachewan, the proper thing to do is to buy us out altogether, because in depriving us of this you deprive us of our hunting grounds." Without pledging himself to the accuracy of the calculation, he believed that, according to their views of their rights, they would not be inclined to take less than £1,500,000 for them. Now, it would not be possible to go to Parliament for such a sum for such a purpose; and what, then, was to be done? He had always felt that the charter was a very doubtful one. Taking into account the circumstances of this magnificent continent, it seemed monstrous that any body of gentlemen should exercise fee simple rights which precluded the future coloni-

zation of that territory, as well as the opening up of lines of communication through it. Of course, such a thing could never happen in these days. He was inclined to believe that the charter was originally illegal; but, no doubt, it would be a serious blow to the rights of property to meddle with a charter 200 years old, and such a course would not be taken except under circumstances of unparalleled public necessity. He was not prepared to say that such a necessity might not arise. The colonization of British Columbia must progress with enormous rapidity, and it might happen, in the inevitable course of events, that Parliament, would be asked to annul even such a charter as this. He was justified, however, in not resorting to such an extreme measure as long as it was possible to obtain a settlement of any other kind. The question was of such paramount importance at this moment that no opportunity of settling it ought to be lost; but he could not undertake to offer any such sum as that he had mentioned, or, indeed, any other large sum; and he thought the Company could not expect that any very large sum should be paid to them. It was probable that gold would be found in the territory bordering upon the Satckachewan; and if such were the case, the Hudson's Bay Company would no more be able to prevent men from settling upon that territory than they would to prevent their sailing upon the ocean. It might be desirable for their interests that the country should be maintained as a fur-bearing country and as nothing else; but when that was no longer possible, it would be to their advantage to meet the public half-way, and make arrangements which should effect that most important object—the settlement of the country. He had had many interviews with gentlemen connected with the Hudson's Bay Company, and had always found them most courteous and friendly, but he had not been able to come to any understanding with them. He should be happy to lay upon their Lordships' table all the Correspondence which had taken place with reference to the establishment of a line of communication between Canada and British Columbia, and he hoped that when Parliament met next year he should be able to inform their Lordships that some progress had been made towards the establishment of postal and telegraphic communication between Canada on the one side, and New Westminster on the other.

LORD TAUNTON said, that he had paid great attention to this subject; and when he held the seals of the Colonial Office, it became necessary to consider the propriety of renewing the exclusive privileges of the Hudson's Bay Company. He moved for a Committee of the House of Commons to consider the whole subject. In the Report of this Committee and the evidence given before it their Lordships would find a full and impartial account of all the circumstances affecting this most important subject. Although the subsequent discovery of gold had somewhat altered the position of affairs, yet he was convinced that the policy recommended by that Committee was in its main features that which it was the interest of this country to adopt. The Government and people of this country could have no possible interest in the subject different from the colonists of North America. No doubt the charter of the Company was a very extraordinary one; but as the opponents of it had always shrunk from testing its validity by judicial proceedings, he had always declined to take any steps hostile to it. Indeed, he was of opinion that we were indebted to the Hudson's Bay Company for having under most extraordinary circumstances, administered the vast territories which were committed to them, not merely so as to advance their interests as a great fur-trading company, but so as to maintain a rough but effective system of law and order, and to protect as far as they could the aborigines, whose interests we were bound to respect. It was therefore in no unfriendly spirit to the Company that he expressed his opinion that they would not be discharging their duty if they stood upon their extreme rights, so as to prevent the attainment of objects which were essential to Imperial or Colonial interests. The Committee of the House of Commons decided that it was upon the whole desirable that the position of the Hudson's Bay Company should be maintained in the districts which were not adapted for settlement; but, at the same time, they recommended that means should be taken without loss of time, either through the instrumentality of Canada or independently of that colony, to give to the settlers on the Red River the advantage of being governed under the British Crown in a regular and orderly manner. The gentlemen connected with the Hudson's Bay Company had always said that they were prepared to act on these principles, and to facilitate any

arrangement which would erect into British settlements or colonies any territories that were *bond fide* adapted for purposes of settlement. He hoped that they would continue to act in that spirit, and would be prepared to abstain from setting up any extreme claims which might prevent an amicable arrangement between the Hudson's Bay Company and the Government.

THE EARL OF DONOUGHMORE said, he would withdraw the second paragraph of his Motion.

Motion for an Address for—

1. Copies or Extracts from Correspondence between the Secretary of State for the Colonies the Governments of Canada and British Columbia, and the Hudson's Bay Company, respecting the Establishment of a Means of Communication between Canada and British Columbia:

2. Copies or Extracts from any Correspondence between the Government and the Hudson's Bay Company respecting the Withdrawal of the Red River, Saskatchewan, and Swan River Territories from under the Control of that Company, and their Erection into a Colony depending directly upon the Crown:

—agreed to.

CROWN PRIVATE ESTATES BILL.

[BILL NO. 89.] SECOND READING.

THE LORD CHANCELLOR, in moving the second reading of this Bill, explained the nature of the measure. Down to the time of Queen Anne the Sovereign had unlimited power of disposition in reference to Crown lands; but in the first year of that reign an Act passed limiting the power of the Crown to granting leases for thirty years, or three lives. The operation of that statute, however, was confined to England. The 39 & 40 Geo. III., gave full powers to the Crown to deal with estates acquired by means of the private property of the Sovereign. By an Act of the 1st and 2nd of the present reign it was deemed right to extend the restricting provisions of the statute of Anne to estates of the Crown in Scotland and Ireland; but the qualification of that restriction introduced by the 39 & 40 Geo. III. was accidentally omitted from the statute of Victoria. The result, therefore, was that private estates of the Sovereign in Scotland would not come within the provisions of the 39 & 40 Geo. III., but would fall under the restrictions in the statute of Anne, and the Sovereign would be unable to deal with land in Scotland acquired by the private property of the Crown. It was to remedy this state of things that the present Bill had been prepared, the intention being

*The Duke of Newcastle*

to give to the Crown the same rights over its private estates in Scotland which the Act of George III. gave in reference to those in England ; and to provide that any such estates held by the Crown should be possessed in the same way as if they were held by subjects of the Crown.

THE MARQUESS OF BATH objected that the provision of the Bill which subjected the private estates of the Crown to all rates and taxes, was unconstitutional.

Bill read 2<sup>o</sup>, and committed to a Committee of the Whole House on Monday next.

House adjourned at Seven o'clock, to Monday next, Eleven o'clock.

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**H O U S E O F C O M M O N S ,**  
**Friday, July 4, 1862.**

MINUTES.]—PUBLIC BILLS.—1<sup>o</sup> Bleaching and Dyeing Works Act Amendment; Public Offices Extension; Jamaica Loan (Settlement).  
3<sup>o</sup> Windsor Castle (Bakehouse); Chancery Regulation (Ireland).

**MERSEY, IRWELL, &c. PROTECTION BILL.**  
**SECOND READING.**

Order for Second Reading read.

Motion made, and Question proposed, “That the Bill be now read a second time.”

MR. BROWN-WESTHEAD said, he rose to move that the Bill be read a second time that day three months. It was with great reluctance he felt himself compelled to take that course. The Bill, however, was of a very exceptional character, and came before the House in a manner that was very unusual. It was, in fact, a public measure introduced in the guise of a private Bill, and it was so designated by the highest authority in the other House of Parliament. In the House of Lords, after the Bill had passed a Committee of five, it was referred to a Committee of the Whole House, and discussed clause by clause, and on that occasion the Lord Chancellor pronounced it an opprobrium on the legislation of the country. He should inform the House that a number of tributaries ran into the River Irwell, and the Irwell Navigation Company—or rather the Earl of Ellesmere, who might be said to be the company—promoted the Bill with a view to remove obstructions caused to the navigation by the lodgment

of cinders and other matters. What had the promoters done? Seeing that they would have to meet powerful opposition on the part of the proprietors of certain of the tributaries, those streams had been struck out of the Bill. He (Mr. Brown-Westhead) had been asked to oppose the Bill; but he declined at first to do so, believing it to be merely a sanitary measure. On looking into it, however, he saw that there was nothing in it whatever of that nature, and that the Bill sought to deprive a number of proprietors over an area of 400 square miles of rights which had been enjoyed from time immemorial. The parties opposing the Bill did not object to the fullest inquiry with a view to ascertain in what manner the object which the promoters professed to have in view could be best and most equitably carried out. His own personal interests were favourably affected by the Bill, but he considered it his duty to protect the interests of hundreds of riparian proprietors higher up the streams, whose ancient prescriptive rights were interfered with in a manner which was never before authorized by private legislation. Under all the circumstances, he believed he acted perfectly right in opposing the Bill. He did not think the House should receive a Bill which had public objects, but which came on in the guise of a private measure, and which vested in the hands of the principal promoter powers which he did not think Parliament would sanction. The Bill was promoted by a navigation company, who, by adopting the steps they had taken, sought to avoid the Standing Orders which related to public measures, and which railway companies had invariably to be bound by. A great principle was involved in the question, and he trusted, that if the measure was allowed to go further, its provisions would be made so far equitable and fair that the House could approve of it, and that the whole community would be benefited by it.

Amendment proposed, to leave out the word “now,” and at the end of the Question to add the words “upon this day three months.”

MR. MASSEY said, that no doubt the Bill was of a very extraordinary character. It was hard on a cursory glance to discern any features which could distinguish it from a public measure. It was a very unusual thing to affect by private legislation the interests of large towns and

manufacturing populations. The Bill set out by professing that such was its object; and when its provisions were examined, it would be found that the interest of the great manufacturing places on the rivers Mersey and Irwell were seriously affected. Another peculiarity of the measure was that it did not appear on the face of it by whom it was promoted. The question, then, which the House had decide was, whether it was a public or a private Bill. If it was the former, the Order for its Second Reading should be discharged. If, on the contrary, it was a private measure, cases of individual hardship ought not to be considered in Committee of the Whole House, but were proper matters for investigation and inquiry before a Select Committee. The measure originated in the House of Lords as a private Bill; in that form it underwent a rigid scrutiny there, and as a private Bill it had come down to that House. The Navigation Company, who really promoted the Bill, complained that in consequence of the acts of certain parties, over whom they had no control, the powers conferred on them by the Act of Parliament were seriously interfered with, and the navigation obstructed. On the other hand, it was said that the obstructions referred to were caused in the legitimate exercise of trade by manufacturers, mine owners, and quarry proprietors, who deposited certain materials in the tributaries of the river; and that if they were wrong-doers, they were not wanton wrong-doers. The questions arising out of that state of circumstances were proper subjects for investigation by a Committee upstairs. He considered that a clause should be added to the Bill, if it were allowed to proceed further, providing that nothing contained in it should exempt it from the provisions of any future Act relating to the navigation of rivers. Technically, the Bill might be considered a private Bill, and should therefore be referred to a Committee upstairs; but there was one grave objection to the measure, which he should refer to. It was this:—In the original draught of the Bill all the tributaries of the Mersey and the Irwell were included in the operation of the Act. In consequence of the opposition of certain parties, some of those tributaries had been omitted. But if the proprietors on any of the tributaries were wrong-doers, those who acted

similarly on the other streams were wrong-doers also. It was competent to the Committee upstairs to restore the Bill to its original form; and if on its return he found that such a course had not been adopted, he reserved to himself the right to move that it be referred to a Committee of the Whole House, with a view to ascertain whether in their opinion it was a proper measure to pass with its present partial application.

MR. J. C. EWART said, he thought that there was a necessity for some such measure, and he hoped it would be referred to a Select Committee.

MR. LAIRD said, he considered that the Bill should be made applicable to the entire of the tributaries, and he had not been aware that it was not. That matter, and the other questions referred to, could be dealt with by a Committee upstairs.

THE ATTORNEY GENERAL said, that the Bill appeared to be a very objectionable measure, and it was rendered more objectionable still by the manner in which it was introduced and subsequently dealt with. The riparian proprietors were sought to be made subject to penal provisions for exercising certain rights over their own property. If a nuisance existed, there were other means of remedying the evil. The Bill, if it were allowed to proceed further, should certainly be made universally applicable; but it was highly inconvenient that a measure which was public and penal in its provision and enactments should be introduced as a private Bill. He therefore considered it his duty to oppose the second reading.

VISCOUNT NEWPORT said, he also should oppose the second reading. He considered it highly objectionable and unjust that parties who were in a similar position to those against whom the measure was aimed should be excluded from its operation.

MR. JACKSON said, that several Bills of a similar nature had been considered private Bills. The general commerce of the country required that the navigation of the river Mersey should be kept open and unobstructed. He hoped the House would agree to send the Bill to a Select Committee; and if on its return it was found that the proprietors on all the tributary streams were not included in its provisions, he would support a Motion to add clauses which would have the effect of extending its operation to them.

MR. BARNES said, it would be most

unfair to deprive the proprietors of their rights without compensation. He thought a Committee ought to be appointed to investigate the whole question, and should vote against the second reading if his hon. Friend pressed his Amendment.

MR. E. P. BOUVERIE said, it must be admitted that there was a very considerable evil for which a remedy ought to be applied. The evil, however, was not general, but only affected a particular locality. Nevertheless, when an opportunity was presented to them of putting an end to the inconvenience, he agreed with his hon. Friend the Member for Salford (Mr. Massey) that it would be unwise not to avail themselves of it.

MR. J. B. SMITH said, that every mill that was erected increased the evil, by silting up the river. He therefore hoped the House would read the Bill a second time.

MR. ROEBUCK said, the question was who should provide the funds for effecting a public benefit. The measure was an attempt of parties to guard their interests at the public expense.

MR. MILNER GIBSON said, he could not agree with the argument that they ought to reject the Bill because it invaded private rights. All private Bills did that. He thought there was no more competent tribunal to inquire into questions of the kind than a Select Committee. Although he entertained grave objections to the Bill, he did not think these would warrant him in refusing to send a Bill to a Select Committee.

MR. FRANK CROSSLEY said, he was of opinion that the Bill did not go far enough. He hoped to see it restored to the shape in which it was originally introduced, so that its operation would extend to all the tributaries referred to.

Question, "That the word 'now' stand part of the Question," put, and *agreed to*.

Main Question put.

The House divided:—Ayes 97; Noes 48: Majority 49.

Bill read 2°.

MR. BROWN-WESTHEAD said, he would then move that Standing Order, No. 8, be suspended, and that the Bill be referred to a Select Committee of fifteen Members, with power to inquire into the causes of the pollution and obstruction of the rivers Mersey and Irwell and their tributaries, and into the best means of

preventing and remedying the evils arising from such pollution and obstruction.

Motion made, and Question proposed, "That Standing Order, No. 8, be suspended in the case of the said Bill."

COLONEL WILSON PATTEN said, that if a Committee of fifteen was appointed, his constituents would not have an opportunity of being heard in opposition to certain of the provisions of the Bill to which they objected.

MR. MASSEY said, the Motion was, in effect, to reverse the order of proceeding with regard to private Bills, inasmuch as the House had specially appointed Committees for entertaining questions of the kind.

MR. BROWN-WESTHEAD observed, that he was anxious that all parties should be heard before the Committee; and he wished to ask the Speaker whether that course could not be adopted if his Motion was carried.

MR. SPEAKER replied, that it would be necessary to obtain the permission of the House for the purpose contemplated by the hon. Member.

MR. ROEBUCK said, that recent experience—he alluded to the Thames Embankment Committee—afforded no recommendation to the House to alter their usual course.

MR. BROWN-WESTHEAD said, he would withdraw his Motion, as it was his belief that everything would be done to obtain a competent Select Committee of five to consider the provisions of the Bill.

Motion, by leave, withdrawn; Bill committed.

#### MERCHANDISE MARKS, &c. BILL.

[BILL NO. 98.] COMMITTEE.

Order for Committee read.

House in Committee.

Clause 1 postponed.

Clauses 2 to 6 agreed to.

Clause 7 (Penalties).

MR. M'MAHON said, that a person who placed false representations on his goods did so with intent to defraud, and he apprehended that he would be punishable at common law for a misdemeanour. The Bill proposed to reduce an offence of that serious nature to an offence of a milder form, and directed that the party committing such an offence should only be subjected to certain penalties. Those penalties, namely, a fine of 10s., and for-

feiture of the article in reference to which fraud on the public was attempted to be committed, were, he considered, insufficient. He therefore proposed to insert words, to provide that all persons so offending should be deemed guilty of a misdemeanour.

THE ATTORNEY GENERAL said, that the enactment in the clause did not at all put aside the character of the offence which the right hon. and learned Gentleman had described at common law. Its object was to avoid the necessity of having to adduce before a jury such evidence—which it was sometimes very difficult to get—as would satisfy them that the offence of cheating at common law had been committed.

*Amendment withdrawn.*

*Clause agreed to.*

*Remaining clauses also agreed to.*

MR. ROEBUCK said, he then proposed the insertion, in Section 1, of a provision for the registration of trade marks. From the want of such a registration his constituents suffered daily by the forgery of their trade marks to inferior goods. The Prussian manufacturers were driving the English out of the foreign market by introducing worthless goods under the name and marks of English firms, thus bringing on them the character of inferior manufacturers. The Act was a very useful one; but if its provisions were so extended as to embrace the registration of trade marks, it would be much more acceptable to the country as a protective measure.

MR. MILNER GIBSON said, the Committee to whom the Bill had been referred had well considered the question, and had come to the conclusion that, at present at least, it would not be expedient to attempt to establish a registration of trade marks. His objection to it was one of principle, as he did not see why previous registration of a mark should be made the condition of obtaining a legal protection. The forgery of a mark was like the forgery of a check on a bank. If an intent to defraud him was proved, a man was entitled to protection, without being put to the expense of registration. He thought that a registration would be rather an impediment to prosecution.

MR. HADFIELD supported the proposal for a registration.

*Amendment, by leave, withdrawn.*

In reply to a question from Mr. ROEBUCK,

THE ATTORNEY GENERAL said, he

*Mr. M'Mahon*

would consent, on bringing up the report, to introduce a clause to protect the rights of the Cutlers' Company of Hallamshire, in the county of York.

*Preamble agreed to.*

*House resumed.*

Bill reported; as amended, to be considered on Monday next, and to be printed [Bill 187].

#### OUR RELATIONS WITH PARAGUAY.

##### QUESTION.

MR. MAGUIRE said, he rose to ask the Under Secretary of State for Foreign Affairs, Whether it be not true that amicable relations have been restored between this Country and the Republic of Paraguay; if so, whether there be any objection to produce the Correspondence between the authorities at Assumption and Mr. Thornton, Her Majesty's Minister at Parana; and if any Report has been received from Mr. Hutchinson, British Consul at Rosario, in reference to the Cotton-growing capabilities of that portion of the Rio Plata, in accordance with the instructions of the Foreign Office, co-operating with the Manchester Cotton Supply Association?

MR. LAYARD replied, that negotiations had been opened between Mr. Thornton and the President of the Republic of Paraguay, which led to the hope that very shortly friendly relations would be re-established between the two countries. As yet the negotiations were only in progress; and, that being so, the Government could not lay the Papers on the table of the House. Mr. Hutchinson had not yet inspected the Cotton-growing districts. A request had been made by Her Majesty's Government that he might be allowed to inspect them; and when he had done so, he would make a Report.

MR. LIDDELL said, he wished to ask whether, in the negotiations which have taken place, the claims of British subjects for compensation for the serious losses they have suffered have been considered; and, if so, whether those claims are to be met?

MR. LAYARD said, he was rejoiced at being able to say that there had been an offer to pay a certain sum, which, he believed, the claimants had agreed to accept.

#### AFFAIRS OF MEXICO.—QUESTION.

MR. J. C. EWART said, he wished to ask the Under Secretary of State for

Foreign Affairs, Whether it is probable that an English vessel, loaded in England before the notification of the blockade, but cleared out two or three days after for the port of Tampico, would be admitted into that port in the event of its being blockaded by the French?

MR. LAYARD said, in reply, that he could not, of course, give an answer with respect to any specific case. All that he was able to say was, that the French Government had given to Her Majesty's Government an assurance that any vessel that had left any British port for Mexico previous to the declaration of the blockade, should not be interfered with by the French cruisers; and, moreover, that the French Government had given an assurance to Her Majesty's Government that it was not their intention to interfere with legitimate commerce, either on the part of French or neutral vessels, its object being merely to prohibit the importation into Mexico of the munitions of war.

#### THE MILITARY ORGANIZATION OF THE IRISH CONSTABULARY.

QUESTION.

MR. SCULLY said, he wished to ask the Chief Secretary for Ireland, Has his attention been called to the Resolution adopted by the Grand Jury of the County of Tipperary, at the late Special Commission in Clonmel, complaining of defects in the Irish Constabulary system, "owing to the Military organization established at Head Quarters;" and is it intended to remedy those defects by reforming that organization?

SIR ROBERT PEEL said, he was in receipt of the Resolution to which the hon. and learned Gentleman had referred, and a copy of it had been, or would be, forwarded to the Lord Lieutenant. He was glad to find that in the Resolution the grand jury had recorded their opinion of the good conduct, sobriety, and general intelligence of the Constabulary Force in Ireland. In regard to the question about "military organization at head quarters," he (Sir Robert Peel) did not know what it meant, as the present organization of the force was precisely the same as it had been for years, with the exception that the arms with which the force had been furnished were of a more excellent quality than those previously supplied. The Government, so far as at present advised, had no

intention whatever of altering the organization of the force.

#### PROCLAMATION OF LIMERICK.

QUESTION.

MAJOR GAVIN said, he would beg to ask why the Proclamation under the Peace Preservation Act had been extended to the City of Limerick. He was aware that a most foul murder had been committed in a remote part of the county; but the City of Limerick was, he believed, free from crime, and the people there had suffered a great deal from the distress which prevailed during the past winter and spring; but they had borne their sufferings with admirable patience. Under these circumstances he felt obliged to ask, Why the City of Limerick had been placed under such a severe measure as the Peace Preservation Act?

SIR ROBERT PEEL said, the Proclamation of the county was adopted almost unanimously by the county magistrates. The hon. and gallant Member would remember that the City of Limerick extended more than six miles into the county, and the municipal boundary of the city was very wide. Under these circumstances it was thought that the Proclamation would have no operation if it did not include the City of Limerick.

MR. HENNESSY said, he wished to ask whether the Government had not received from the bench of Magistrates of the City of Limerick an unanimous protest against the Proclamation of the county magistrates?

SIR ROBERT PEEL said, he was not aware of any such protest.

MR. HENNESSY: I have seen it.

MR. MONSELL: Will the right hon. Gentleman the Home Secretary say whether he has received such a protest?

SIR GEORGE GREY said, he had only received a letter from Mr. Spring Rice expressing dissatisfaction that his property had been included in the Proclamation, and in reply he had informed that gentleman that the Proclamation of the county had been agreed to almost unanimously at a meeting of County Magistrates. The Government had received no official remonstrance or protest.

#### SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

**THE TURKISH LOAN COMMISSION.  
PAPERS MOVED FOR.**

MR. DARBY GRIFFITH said, he rose to ask the Under Secretary of State for Foreign Affairs, What progress had been made by Lord Hobart and the Turkish Loan Commission in extinguishing the paper money at Constantinople by the application of the capital of the loan to the purpose of paying it off? and to call attention to the Report of the Commission, and also to the events now occurring in Servia; and to move an Address for Copy of any Correspondence that had taken place on that subject. The Government had manifested a generous wish to assist Turkey; but in his opinion the dry-nursing system in reference to the affairs of that country had been carried too far, as it only led the Ottoman Government into a career of ambitious conquest. It was a proof of the partiality with which the Government had acted, that they were now obliged to admit that the Report of Lord Hobart and Mr. Foster had been communicated to the contractors of the loan before it had been given to the public at large. The ostensible design of the loan recently contracted was to enable the Government of Turkey to pay off certain paper money (the Caimé); but, according to the accounts which had been received, that design, however, had entirely failed, as it was proposed to pay off only 40 per cent of that money. The consequence was, that the paper money was vastly deprecated. In addition to that, it had been discovered that great forgeries had been committed, which tended still further to bring it into disrepute. He held in his hand a real and a spurious note, which he now exhibited to the House, and which were as like each other as two peas. It was difficult to ascertain which was the real and which was the false currency of that country. It was said that the present Sultan was a man of great energy, and that he was disposed to carry out a liberal and enlightened policy. He (Mr. Darby Griffith) heartily hoped that the anticipations that had been formed with respect to the Sultan would turn out to be well-founded, and that his efforts might be directed successfully to the rectification of the financial condition of the Turkish Empire. The House had received two Reports in reference to the debt of Turkey—the Turkish and the English—and they differed in every essential par-

ticular. The Turkish Report stated that there existed only about £18,000,000 of debt, while the Report of Lord Hobart and Mr. Foster stated that it amounted to over £41,000,000; and, from advices he had received, he had reason to believe that a large amount of other obligations had been contracted. It was stated in the Turkish Report that the interest on the foreign debt was £954,000, and the interest on the internal debt was £571,000, together about £1,500,000 a year, or one-eighth of the expenditure of the country; and the Report went on to state, that the interest on the other denominations of debt was also about £1,500,000 a year. Then, with regard to the new taxes. The revenue of Turkey, by the last budget, was about nine millions, and the expenditure twelve millions; but it was expected that the new taxes would produce £3,268,000, and that they would be able to effect a reduction of £685,000 in the expenditure, making together nearly £4,000,000; and thus it was hoped that they would be able to show a surplus on the year. But according to the plan of the Hobart and Foster Report about one-half of the increase was to come from an alteration in the tenure of ecclesiastical property called Vakouf, and they all knew how difficult a thing it was to prevail upon even the mildest ecclesiastics to accept of the imposition of burdens upon church property; and therefore, considering the strength of the ecclesiastical power in Mohammedan countries and its intimate relations with the civil authority—considering that the consent of the Sheik el Islam was necessary to the legality of every edict issued by the Sultan, it was extremely doubtful whether the increased taxation would be obtainable. It was well known that the inherent weakness of Turkey was such that but for the support of the European Powers under treaty obligations, she could not maintain her position as a nation. He thought that too great a task was imposed upon Lord Hobart, because he was expected to set the finances of Turkey to rights, while the resources at his command were entirely inadequate. At the present time, also, there were more than usually heavy drains upon Turkey, owing to the Montenegrin and other wars. They themselves (the English Government) first taught Turkey to borrow, and she had shown herself an apt pupil. In 1854 she raised £3,000,000; in 1855, £5,000,000, guaranteed by England and France; in

1858, £5,000,000 more; then there was another operation of £2,000,000 by the Mirès loan; and now there was the new loan of £8,000,000—in all, £23,000,000. The result of these constant additions to the foreign debt was that the stock was continually falling in the market. The armed interference of the Porte in Montenegro was most unwise, and could only result in a useless expenditure of life and money. With regard to the events that had recently happened in Servia, he wished to ask whether, in firing on the town as he had done, faith had been broken with the English and European Consuls by the Pacha of Belgrade or not? The Porte had sent a pacha to Belgrade who was so ignorant that he knew no language but his own; and the consequence of his ignorance and bigotry was the troubles that had ensued. It was an anomaly unknown in any other part of the nominal dominions of the Sultan for the suzerain power to maintain a garrison in the capital city of the dependent State, and a fortress, the guns of which were actually within range of the prince's palace. He therefore desired to know from the Under Secretary for Foreign Affairs whether, as a member of a Liberal Government, he was going to justify the proceedings of the Governor of Belgrade. It was very important that Her Majesty's Government should direct their attention to the subject, because, as far as their own selfish interests alone were concerned, they must be aware, that if intestine war were to break out in that portion of the Continent, there was great danger of its spreading into the neighbouring countries, and there was no knowing how far the other countries of Europe might become involved in the strife. He thought that the question deserved the dispassionate consideration of the Government. He asked, therefore, if there was any objection on the part of the Government to produce the correspondence relating to Servia?

*Amendment proposed,*

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, a Copy of any Correspondence which has taken place between Lord Hobart and the Turkish Loan Commission, relative to the extinction of paper money at Constantinople,"

—instead thereof.

MR. LAYARD said, he felt sure that

the House would not expect him to follow the hon. Gentleman through his essay upon Turkish finance, for which, as he was not the Turkish Chancellor of the Exchequer, he was in no way responsible. So far as he was aware, there was no intention on the part of the Turkish Government to conquer new territory, or to reconquer any that she might have lost; and with regard to her proceedings in Servia and Montenegro, she had done nothing in infringement of any treaty or obligation by which she was bound to those states. As to the progress made by Lord Hobart and the Turkish Loan Commission, he (Mr. Layard) could not be expected to give information as to what might have occurred from day to day. The Foreign Office knew nothing of the matter; but when the operation was fully carried out, he supposed Lord Hobart's duties would cease, and that he would return to this country and give an account of his share in the transaction; but they were not kept informed from day to day what the Commission was doing. The hon. Gentleman said that a scheme had been put forward for the redemption of the paper money. He was not there to criticise that scheme. All he knew was, that it had received due consideration at the hands of the Commissioners, and been accepted by them; and he was told that it was likely to effect the object for which it was introduced. That was all the information he was in a condition to give to the hon. Gentleman on the subject. He could not furnish the correspondence that had taken place in reference to Servia. When the events to which the hon. Member alluded took place at Belgrade, the Turkish Government immediately recalled the pacha who was alleged to have been the cause of them, and sent there one of the most distinguished statesmen in their service, who, in conjunction with the representatives of the other Powers, was engaged in carrying on a thorough investigation into the circumstances which led to those unhappy occurrences, upon which, when the facts were in the possession of the Government, they would be in a position to express an opinion; but while that investigation was going on, it was obvious that it would be most improper to lay upon the table statements which were merely *ex parte*.

Question, "That the words proposed to be left out stand part of the Question," put, and agreed to.

## THE NAVAL COMMANDER IN CHIEF IN INDIA.—QUESTION.

SIR JOHN HAY said, he rose to ask the Secretary to the Admiralty, If it is the intention of the Admiralty to make any increase in the pay and allowances to the Naval Commander in Chief in India in consequence of the stoppage of the allowance hitherto paid as batta to the Naval Commander in Chief by the Indian Government : if any inconvenience has arisen in the selection of an Officer for that command in consequence of this reduction of pay ? and, to move an Address for Return of the pay and allowances of the Military Officer in Her Majesty's Forces in India of similar rank to the Naval Commander in Chief in India. The right hon. Gentleman the Secretary for India had, owing to some embarrassment in the finances of the country, thought fit to reduce the pay of certain naval officers serving in India, and among them that of the naval Commander and others, to the extent of £8,000 a year. Without going into details, he might observe that the pay of the Admiral commanding in chief on the Indian station was, up to a recent date £5,221 a year, and that by a stroke of the pen the sum had been reduced to £2,190, or by considerably more than half the amount of the salary which he had hitherto received. It had been the custom to pay a certain amount to the naval Commander in Chief as batta money, and the commodore received half that sum, and the other officers in proportion. The whole of those allowances had now been taken away. He should not have alluded to the subject, had it not been—and the gallant Admiral the Member for Devonport would bear him out in the statement—that under ordinary circumstances it was impossible for the naval Commander in Chief in India to perform the duties of his station and pay the expenses which necessarily devolved upon him for a sum of less than £2,000 a year ; and whoever accepted that command under existing circumstances would, in all probability, be £400 or £500 a year out of pocket in the performance of his duty to the Crown. That the naval commander should be placed in such a position could not be, he felt assured, the wish of the House. It might be said that the amount was sufficient, inasmuch as there was no difficulty in procuring officers to fill the command ; but he should like to know from the Secretary for the Admi-

ralty whether there was any truth in the rumour that several distinguished officers had, in consequence of the reduction to which he adverted, objected to go out to India as naval commanders in chief, feeling that their means would not enable them to undergo the expense attendant on the appointment. The officer who now served in that capacity was, no doubt, a very able man, but he never had had the advantage of commanding a fleet previously, or of having performed the distinguished service by which officers hitherto selected for the appointment had been characterized. He might add that the military Commander in Chief and the Commanders of Presidencies received from £8,000 to £10,000 a year, or five times the sum paid to the naval Commander in Chief. Under these circumstances, he hoped to receive some satisfactory assurance from the Secretary to the Admiralty on the subject.

SIR MICHAEL SEYMOUR said, he was enabled to confirm all that had fallen from his hon. and gallant Friend. The naval Commander in Chief in India and China would in future have to serve under a salary of less than half the amount formerly paid, while the expenses in that part of the world were larger than the expenses of any other station. He trusted that the subject would receive the attention of the Admiralty, and that the injustice alluded to would be removed.

LORD CLARENCE PAGET said, it was perfectly true that an allowance called batta money used to be granted to all classes of officers of the navy while serving in the Indian waters, but that it had ceased and determined ever since the transference of the Government of India to the Crown. There was no doubt that the position of the naval Commander in Chief in India was therefore very much less advantageous in point of pay than it was before ; but it should also be remembered that the circumstances of the present day were no longer precisely what they were when the batta money was granted. In those days they had a squadron in the Indian seas. Undoubtedly living was very expensive in India, and it was thought fit that naval officers should have allowances in consequence ; but at the present time the Admiral on the Indian station was practically stationed at China, and there was no necessity for him to visit India. Then came the question whether, these allowances having been

done away with by the Indian Government, the Admiralty should recommend any allowances in lieu of the batta money. Upon what principle was the Admiral serving upon that station to be paid very considerably more than the admirals on other stations? If on the ground of the cost of living, he would only say that that cost was very high at the Cape of Good Hope, where there was an Admiral, and also on the West India station; and he could scarcely think it right, therefore, that the Admiralty should select India as a favoured station, at which a higher rate of pay should be given than at others, without any sufficient reason. Such, at all events, was the principle on which the Admiralty proceeded in not proposing extra allowances for the naval officer in command in India and China. The hon. and gallant Gentleman had asked whether the Admiralty had found any inconvenience in getting officers to take the command in India and China in consequence of the reduction, and he was sorry that the hon. and gallant Gentleman, in referring to that point, had cast some reflection upon the Admiral who had recently taken command of the India and China station.

SIR JOHN HAY denied he had cast any reflection upon the gallant Admiral.

LORD CLARENCE PAGET, said he understood the hon. and gallant Gentleman to have said that he was not so distinguished an officer as others who had gone before him, and upon that point he must beg to differ with him. The gallant Admiral had greatly distinguished himself in China. [SIR JOHN HAY: Hear, hear!] With regard to the difficulty of finding officers to take the command in India, the station was one with respect to which there would always be some difficulty. It was not everybody who wished to go to so remote a quarter of the world, and one or two officers to whom it was intended to offer the command had declined to accept it on the score of health—possibly, also, because of reasons connected with their private affairs. Practically, however, there had been on the part of the Admiralty no difficulty in finding an officer to take the command on the China station, and it was not the character of the service for officers to make any difficulty in going anywhere they were ordered. It was impossible to continue the batta money to officers of the navy in India unless they had duties on shore; but if they were employed on shore, they would receive the

same allowances as officers of corresponding rank in the army. He understood that his hon and gallant Friend did not press for the Returns, and he hoped, therefore, that he would be satisfied with the explanation he had given.

SIR JOHN HAY said, he wished to say one word in explanation. It was far from his intention to cast any slur upon the present naval Commander in Chief in India. What he meant to say was, that it used to be the practice to appoint to that command only such persons as had served as flag officers, and that though the gallant Admiral had distinguished himself in China, he had not attained that position.

#### THE DIPLOMATIC SERVICE.

##### OBSERVATIONS.

MR. BAILLIE COCHRANE said, he rose to call the attention of the House to the Report of the Select Committee on the Diplomatic Service. All who had read that Report must, he thought, have been struck with the unanimity which prevailed among the witnesses who gave evidence before the Committee, and with the vast mass of valuable information which the Report contained. They must also have observed with pleasure the great interest which had been taken by all our Foreign Secretaries in the welfare of the diplomatic service. A Report having been made by the Select Committee, based upon the evidence of distinguished public men, he thought it was not out of place to ask the Government, before the close of the Session, whether they intended to carry out the suggestions embodied in the Report. It was remarkable, that while the expenditure of every other department of the public service had been increased one-third during the last thirty years, the expenditure of the diplomatic profession had been reduced by a very considerable amount. Although the Army Estimates had been increased by £4,000,000 within the last few years, only a very small addition had been made to the rank and file. The increased expense had been caused by the provision of additional comforts to the army, and the same remark applied to the navy. In the diplomatic service the case was far otherwise; for although the business had increased no less than sevenfold since 1830, at which date the number of despatches which passed through the Foreign Office was 10,000 per annum, whereas it was now something like 75,000, and although

a large additional number of gentlemen had entered the profession, the number of *attachés* being now one-third greater than it used to be, yet the expenditure of the service had been reduced to a much larger extent than was ever contemplated by Parliament. In 1825 the expenditure upon the diplomatic service exceeded £300,000 a year; in 1830 it was £230,000; but now it was no more than about £180,000. The profits of the profession had been diminished, while the cost of living in all the European capitals had been nearly doubled, and while, at the same time, the business had been enormously increased. If the expenditure could have been reduced with justice to the gentlemen who had entered the service, nobody would have a word to say against the arrangement; but when every witness examined before the Select Committee declared that those gentlemen were very insufficiently paid, and that justice was not done to them, it became the duty of the House of Commons to give its attention to the subject, and take care that it did not countenance the continuance of an unwise economy. The Select Committee had made seven recommendations, the first of which related to the examination of *attachés*. Upon that subject a good deal of evidence was taken, and all the witnesses agreed in thinking that the system of examination should not be pressed too far. Mr. Elliot stated that a man accustomed to good society was the person best fitted for the diplomatic service. The Earl of Clarendon declared that many qualities were required which could not be tested by an examination. Sir Andrew Buchanan made a remark of the same kind, while Earl Russell admitted that there were great practical inconveniences in the examination of *attachés*. It was essential, of course, that no incompetent person should be appointed, but the Civil Service Commissioners should not be allowed to interfere too much with candidates. The next three recommendations of the Select Committee bore simply upon the regulations of the Foreign Office, and he would not trouble the House with any remarks on them. But then came a very important suggestion—

"That the present regulations with regard to leave of absence of Ambassadors and Ministers appear to press upon them with undue severity, and that the attention of the Secretary of State may be advantageously directed to the subject."

That recommendation involved a certain

*Mr. Baillie Cochrane*

expenditure. The House might not, perhaps be aware that Ambassadors and Ministers were the only public servants who were not allowed even one month's leave of absence without a deduction from their salaries. Such an arrangement as that was very bad; it was bitterly complained of, and he thought the House would agree with him that two months' leave of absence should be granted without any reduction of salary. The whole additional expense would not exceed £7,000 or £8,000 a year. He believed it was intended that there should be no unpaid *attachés*. A Vote of £2,300 would be presented to the House before the close of the Session, and he hoped it would be passed without opposition. Another point of importance was embodied in the sixth recommendation, which was—

"That, whenever it is practicable and fit, a residence for a term of years should be secured for the British Embassy or Mission, the rent and repairs to be defrayed at the public expense."

He thought that a deduction should be made from the salary of an Ambassador or Minister for house rent; but it was most important that there should be a fixed residence in every capital, in order that the representatives of Her Majesty abroad might not be put to unnecessary expense. The French system in this respect was much better than our own. The last suggestion of the Select Committee was—

"That the attention of the Secretary of State be directed to the salaries and allowances of the larger missions, with the view of considering whether they are adequate to meet greatly increased expenditure of living at the principal European capitals."

Upon that point the evidence was strong, unanimous, and conclusive. Lord Stratford de Redcliffe was asked—

"Do you consider the efficiency of the service has suffered from its not being so profitable as a career, or as not presenting so good an opening as other professions?"

He replied—

"I cannot undertake to say, as far as my experience has gone, that it has so suffered; there is, generally such a spirit among the gentlemen employed that they would rather make sacrifices out of their own means than allow the service to suffer; but it is hardly fair to leave an opening for such sacrifices. To speak from conjecture, I should presume that adequate remuneration, and the prospect of high eventual prizes, would obtain for the public a greater command of talent. I think that the appointments should be sufficient for the due performance of the duties, and that any individual employed in the diplomatic service of Her Majesty's Government should be placed on terms of society with the native gentlemen;

an ambassador with those of the first rank, and an envoy with those of the class generally."

The following was from the examination of the Earl of Malmesbury :—

"In your Lordship's administration were there frequently complaints on the part of the diplomatic body as to the inadequacy of their salaries to support their position in a proper manner?—A great many."

"Do you remember what were the main grounds on which those complaints were founded?—Principally the great increase of prices everywhere, in both hemispheres. The increase of prices in South America is astonishing. We also know that at Paris everything has increased 40 per cent within our recent recollection. That, I believe, was the principal ground which they put forward when they stated that their salaries were not sufficient, and that they were obliged to trench upon their private means."

Earl Russell said our representatives abroad were not sufficiently paid. Earl Cowley stated that he was out of pocket every year, while Sir A. Buchanan frankly told the Committee that his expenses in Madrid exceeded his salary by £1,000 per annum, and that he had been obliged to borrow a sum of money. The Earl of Clarendon gave the following evidence :—

"Do you consider that the present pay of heads of missions is sufficient?—I am sure that it is not. The scale of salaries, I believe, was fixed thirty or forty years ago, and I believe very properly and fairly, and even liberally, with reference to the prices of the necessaries and comforts, and perhaps even the luxuries, of life; but I believe that there is no part of Europe, or America either, in which the prices of all those things have not risen from 40 to 60 or 70 per cent; consequently the rate at which the salaries were fixed thirty or forty years ago can be hardly fair now although they were fair then, and I believe that many Ministers are put to very considerable straits."

He thought it essential to the position and influence of a country that its diplomatic servants should be able to entertain. There could not be better evidence on that point than that of the noble Lord at the head of the Government. Before the Official Salaries Committee the noble Lord stated that no man could live in Paris on £10,000 a year. Earl Granville spent a great deal more. Let the House compare the salaries paid by England with those paid by other countries. The French Ambassador in London received 300,000f., or £12,000 a year; the French Minister at St. Petersburg also received £12,000 per annum. It was not fair to place a representative in a capital—for instance, Lord Napier at St. Petersburg—on a scale of salary which would not allow him to receive in the same manner as the French ambassador. That was a hardship. It was no answer to say that plenty of gen-

tlemen would be glad to undertake the office with its present conditions. England was a great country, and it ought to be represented with due dignity. While diplomacy in France cost £150,000 a year, it only cost England £140,000; and to make that up, about £12,000 which used to stand on the consular had been placed on the diplomatic charges. Parliament allowed £180,000 for the diplomatic service and pensions, but, instead of that, sometimes not more than £160,000 was spent, and therefore there had been £130,000 saved out of the diplomatic expenditure and applied to the Consolidated Fund during the last seven years. He did not think he was asking too much of the Government to support his views, and of the House of Commons to adopt them. If this year it was impossible to do anything in raising the salaries of these most deserving public servants, he hoped the Government would, at all events, concede one point, and allow two months' leave of absence without any deductions from their salary. Everybody admitted how admirably the diplomatic service of the country had been carried out in recent times—without forgetting the services of Lord Stratford de Redcliffe—by such men as Lord Lyons, Lord Napier, Earl Cowley, Sir Henry Bulwer, and Sir James Hudson. It was only, therefore, simple justice that the Report of the Select Committee should be carried into effect.

MR. THOMSON HANKEY seconded the Motion.

MR. LAYARD said, he would admit that the hon. Gentleman had made a very fair and impartial statement to the House. The Committee which sat last year on the diplomatic service was composed of hon. Gentlemen of great experience. They went very fully into the subject, and, after a long investigation, the Committee made a Report which contained seven recommendations. The Foreign Office were desirous of carrying out all those recommendations, which no doubt were entirely warranted by the evidence. To some extent they were put forward by Earl Russell himself; they received the almost unanimous adhesion of the members of the Committee; and the Foreign Office would have acted in accordance with the feelings of the Committee if they had been able to carry out all their recommendations at once. But it must be recollected that the Foreign Office did not hold the purse-strings, and after due consideration it was

not thought in the present state of things advisable to come down to the House of Commons and ask a considerable addition to the Estimates in order to give effect to all those recommendations. What the hon. Gentleman had stated was quite correct—that while all other branches of the public service had enormously increased, the expenditure of the Foreign Office had remained stationary for thirty years. A certain sum placed on the Consolidated Fund—namely, £180,000—was still applied to the diplomatic service, and out of that sum from £7,000 to £10,000 had been annually returned to the Exchequer. In 1831, when the new system was introduced, the annual amount voted for the diplomatic service was about £200,000; and his conviction was, that if annual sums had been asked of the House, instead of the amount being fixed upon the Consolidated Fund, it would have increased with the other branches of the public expenditure. He would state very shortly what Government were prepared to do. The first recommendation was that two sets of examinations—one on being appointed an unpaid *attaché*, and the other when made a paid *attaché* shall not be obligatory. These examinations had been found extremely inconvenient, especially when gentlemen were serving at distant posts. It was proposed to leave it to the option of an *attaché* to undergo one examination on entering the service. The next recommendation was, that after a probationary period of four years' service unpaid *attachés* should be promoted to become paid *attachés*. There were instances of young gentlemen having served eleven years without any pay. He thought, as a rule, public servants should be paid, and he had been in favour of all *attachés* being paid. It was, however, finally agreed that after four years they should be paid. That recommendation the Foreign Office was prepared to carry out, and a supplementary Estimate of £2,800 would be asked for that purpose. The next recommendation was, that commissions as secretaries should be given to *attachés* on their first appointment to be paid *attachés*. The object was, that when those gentlemen received pay, they should also receive a commission, which would give them a claim for a pension from that day forward; and that recommendation they also hoped to carry out. The fifth recommendation was, that leave of absence should be given for a certain

period annually to the heads of missions, without deduction from their salaries. He did not quite agree with his hon. Friend, that when the head of a mission was on leave he should have his full pay, because much of his official income was expended in entertaining, and that could not go on while he was away. What the Foreign Office proposed as a reasonable compromise was, that during an annual leave of absence—and it was highly important that heads of departments should occasionally come to England, and thus have opportunities of communicating personally with the Foreign Office and with the leading men in this country, and of making themselves acquainted with the state of public feeling at home—a certain sum should be deducted from their pay, which would go to increase the salary of the *chargé d'affaires* in their absence. The sixth recommendation was as to providing houses for the principal missions. That, no doubt, would be a very great benefit to our diplomatic servants; but again they were met by a question of expense. As the hon. Gentleman opposite had observed, diplomatic officers were often appointed to missions without any certainty as to how long they would remain there, and frequently incurred expenses in hiring and fitting up their houses, which were made useless by their removal very shortly afterwards. At Naples, for instance, Mr. Elliot had gone to some expense in furnishing his house, and immediately afterwards the mission was abolished: he had to return to this country, and had suffered considerable pecuniary loss. The seventh recommendation was with regard to the increase of salaries. No doubt the cost of living, not only throughout Europe, but throughout the whole world, had increased of late much more than hon. Gentlemen would, perhaps, believe without reading through the returns made to the Foreign Office. Everywhere, almost, the cost of living had increased by one-third, and in some cases by one-half. Here, again, they were met by the question of expense. But if, under more favourable circumstances, the House of Commons could be inclined to take into consideration the case of public servants who performed their duties so well, nobody would be more delighted than himself. Still it was a question more for the Chancellor of the Exchequer than for the Foreign Office. He concurred entirely in all that had been

*Mr. Layard*

said as to the merits of the diplomatic service. There was no country which was so adequately served in that department at so little cost as England; and if a time should come when an increase in the salaries of the diplomatic servants could be proposed, no one would rejoice more than he should.

MR. W. WILLIAMS said, he rose to protest against any increase in the expenditure of the country. Only a few evenings previously there was a discussion in that House on the public charges, and it was then agreed on all sides that the expenditure ought to be reduced. Yet the Foreign Office were ready to increase the burdens of the people, and, as he believed, without any just reason. When the Committee was moved for, he (Mr. Williams) stated, that unless very great care was taken, the result would be to increase the public expenditure; and so it had proved from what had just been stated on the part of the Government. He contended that the diplomatic service was, as a rule, rather overpaid than underpaid. The Ambassador at Paris had a salary of £10,000 a year, with house rent, provided for him, and frequent demands on the country for furniture and other such expenses, and yet he said that his salary was insufficient. Certainly he could not spend that amount on anything connected with the duties of his office. It could only be in entertaining distinguished personages from his own country, and that was a purpose for which the people of this country ought not to be taxed. He was not surprised at the Government sanctioning increased expenditure in the department, because, of course, it would give them increased patronage. If they assented to increase the salaries and allowances of the diplomatic service, they would soon be again asked to augment them further. He hoped, therefore, the question would not be entertained.

MR. DODSON said, he was sorry to hear his hon. Friend the Under Secretary for Foreign Affairs intimate that he should have been prepared to adopt the Resolution of the hon. Member opposite, if he thought the House would endure it. The hon. Gentleman opposite spoke in terms of compassion of the diplomatic service having only the sum of £180,000 a year spent upon its members; but, besides £10,000 secret service money, he (Mr. Dodson) found scattered up and down the Estimates all sorts of expenses for the diplomatic service. In the Estimates of that

year they had £18,700 for payments in connection with our diplomatic relations in China, besides £4,000 for travelling expenses. Altogether, the cost of the service was not £180,000, but £340,000. The Report of the Select Committee on the diplomatic service was based on a string of seven resolutions, six of which recommended an increased expenditure, not as a means to an end, but as an end in itself. If the House was not careful how it sanctioned such demands, the Secretary of State, who was then limited to an expenditure of £180,000 on diplomatic salaries, would be constantly pressed to appoint more paid *attachés*, while, on the other hand, the House would be constantly pressed for more supplementary Votes to pay them. One of the resolutions of the Committee had reference to the stoppage of salaries of ministers when absent from their posts, in reference to which he believed some alteration had already been made. But this was a matter in the hands of the Foreign Secretary, who could distribute the £180,000 as he pleased. Another of the resolutions recommended that embassy houses should be provided in the different European capitals for the Ministers. The unfortunate precedents of Paris and Constantinople ought to act as a warning to them against adopting any such rule. Our embassy house at the latter of those two capitals was to have cost £40,000, but it actually cost £90,000; from £2,000 to £3,000 a year more was required to keep it in repair; and, after all, it was one of the worst structures in Europe. Much had been said about the increased cost of living on the Continent, but the reduced charges for travelling, postage, telegraphic communication, and other things, in some degree compensated for such extra expense. A diplomatic career was a highly honourable one, which men were anxious to enter not for the sake of pecuniary emolument only, but for the position it gave them, and the prospect it opened to them of rising to posts of great dignity and importance in Europe. The Select Committee was composed of a majority of men who were then either in office or had been in office, and who might naturally have had a bias in favour of officials. The Chairman of the Committee—the hon. Member for Pontefract (Mr. Monckton Milnes) proposed an elaborate Report framed with a view to make the diplomatic service more strictly professional. That end was to be attained

by providing that, after a certain fixed period of probation, *attachés* should be paid; but that suggestion was coupled with others, such as that no more *attachés* should be employed than the wants of the service demanded, that appointments should be made only to fill up vacancies, and that promotion should take place by seniority instead of by the favour of the Minister. The Committee adopted the proposition submitted to them, with the omission, however, of the important restrictions by which it was accompanied. Lord Stratford de Redcliffe, Sir Hamilton Seymour, Lord Wodehouse, Mr. Hammond, and many other eminent and experienced authorities testified that the unpaid *attachés* worked exceedingly well, and most of the witnesses examined added that there was no difference in respect to the excellence of their work between the paid and the unpaid *attachés*. No improvement, then, was to be anticipated in the public service from granting further pay to *attachés*. He did not think any injustice was done to those gentlemen through their not being paid, for they entered the service knowing what they had to expect. Mr. Hammond stated in his evidence that an *attaché* could not live upon less than from £400 to £600 a year. He must therefore be a man of some fortune; and if they gave him a salary of £150 or so, it would only be a little pocket money for him over and above his private income. Why, then, should the House be called upon to depart from the rule adopted when the charge was placed on the Consolidated Fund? By consenting to that charge the House had abdicated all control over the diplomatic expenditure and over the diplomatic service. If they once admitted that a supplementary Estimate was to be annually voted for the diplomatic salaries, it was conceivable that the Foreign Secretary might job away the whole of the £180,000 in dispensing it on comparatively unnecessary legations occupied by parasites of his own, and then come to Parliament for a supplementary Estimate with which to pay for the really useful diplomatic business of the country. They ought to do one of two things with those diplomatic salaries—either abolish the system that made them a charge on the Consolidated Fund, and let the whole of them be put in the Estimates annually and be overhauled, or decide that the Secretary of State should keep within the bounds of the sum granted. He hoped the House would express its

dissent from the sentiments expressed by the hon. Gentleman the Member for Honiton, and approved in a qualified manner by the Under Secretary for Foreign Affairs; and he further hoped, that when the time came for considering the Estimate by which the Government would seek to give effect to an objectionable Resolution, they would support him in rejecting it.

Mr. SEYMOUR FITZGERALD said, he was always glad to hear those speeches of the hon. Member for Lambeth (Mr. Williams) in which that hon. Gentleman advocated economy in the public expenditure; but when he heard the speech delivered by him that evening, it struck him that the hon. Gentleman could never have read the voluminous evidence taken by the Committee that had sat on these questions. The hon. Gentleman expressed his opinion that the public servants in the diplomatic service were notoriously overpaid, and added that, so far as he knew, there was no complaint from any of them of the insufficiency of the remuneration which they received. The fact was, that there was not one single public servant connected with the diplomatic service who did not only complain, but give absolute and positive proof, that the remuneration which he received from the country was utterly insufficient to meet the expenses which he was required to undergo. The object of the Government and the House should be to obtain the services of men of ability; but if public servants were underpaid, the tendency of such a state of things must be to limit the candidates for diplomatic appointments to those who could be entirely independent of the remuneration attached to these posts. In illustration of that, he could mention a fact of which he was aware before he took any part in public life. A Government was very desirous of changing their representative in this country, whom they thought not the most efficient public servant they could select; but, notwithstanding that desire, the Minister to whom he referred continued to hold his appointment for five or six years after his Government wished to remove him, because, in consequence of the insufficient salary, no one could be found to undertake the duties of the office, which his private fortune enabled him to hold. He did not mean to say that such a thing could happen in this country; for here it could not be said that diplomatic salaries were utterly insufficient, although it might be true that they were not alto-

*Mr. Dodson*

gether adequate. Though he went a certain length with his hon. Friend the Under Secretary of State, he was sorry to hear any Minister make such a statement as he did on the subject of the salaries paid to the diplomatic servants. His hon. Friend said—

"The Government admit the case presented to them by the Committee. We agree in their recommendations. We think the public servants in the diplomatic department underpaid, and that they are called on to make sacrifices of their private fortune; but though this injustice is admitted, we say we cannot afford to be just, because at the present time our finances are not in the most flourishing condition."

He could not conceive a more objectionable principle than the one involved in that statement of his hon. Friend. With regard to the recommendation as to houses, he would remind hon. Members that there was a great difference between building a large embassy house for £90,000, and taking a house on lease of moderate length, at the current rental. The deduction made from the salary of a diplomatic Minister while on leave was another matter which afforded much ground for complaint. When a Minister came home on leave for a couple of months—and it was admitted that such visits to this country were of advantage to the public service—the whole of his salary was deducted during the time he was absent from his post, though it was impossible for him to stop the whole of his expenditure. His establishment abroad must be kept up during his temporary absence. Payments for his house, his servants, his carriages, and various matters were all going on, not perhaps to quite the same extent as when he was there, but still to a large extent; and yet the Government deducted the whole amount of his salary, and, what was more, did not give it to the *charge d'affaires*; but, handing him a guinea a day in addition to his ordinary salary during the absence of his chief, pocketed the difference between that and the Minister's salary. The hon. Under Secretary's answer to the case was that the Government could not afford to make a change at present. He hoped the public funds would soon be in such a condition as to enable the Government to carry out the recommendations of the Committee. He could not think his hon. Friend's excuse a valid one. He believed the principle upon which it was founded to be most objectionable, and he hoped justice would be done to a body of public men who in talent and indefatigable

zeal were not excelled by any others in the public service of this country.

SIR MINTO FARQUHAR said, that he should support the decision of the Committee of which he had the honour to be a Member. Having been an *attaché* for six or seven years, he felt bound to state that no man had done more for the diplomatic service than the noble Viscount at the head of the Government; and he hoped that the noble Lord would acknowledge that many of the recommendations of the Committee only did justice to that service. He could declare that more attention could not have been paid to any subject than that which had been given to this by his colleagues and himself. The Committee recommended that in future all *attachés* should be paid after four years' service. He could not admit, because a man was ready to enter the diplomatic profession without a salary, that he ought not therefore to be paid for his services. He objected, on principle, to unpaid services. He had heard the late Lord Cowley say that no man ought to enter the service without receiving a certain amount of payment, if it were only £50 a year. He also recollects Sir F. Lamb, afterwards Lord Melbourne, giving a similar opinion. After four years' service, at all events, he thought they ought to receive a salary and become paid servants of the Crown. He also thought it would be very desirable that the *attachés*, when paid, should become secretaries, beginning as third secretaries, and rising to second and first secretaries, according to length of service, instead of being called paid *attachés*, as in foreign capitals they were considered to hold an inferior rank, by being so called, to the third and second secretaries of Foreign missions, whose duties were, after all, the same as those of the present paid *attachés* at British missions. It was a just cause of complaint that at present the *attachés*, when they became paid servants of the Crown, did not receive a commission, which, in fact, they ought to have on entering the profession; but, according to existing rule, received it only when they became Secretaries of Legation, after having been ten or even twelve years in the service; and, consequently, their time of service, whatever it might have been, did not count towards their pensions, until they had attained the rank of Secretary. He thought that the noble Viscount, and the noble Lord at the head of the Foreign Office, would do well to encourage exchanges now and

then for a certain period, between the clerks of the Foreign Office and the junior members of the diplomatic corps. Both parties would benefit by such an exchange. The younger members of the diplomatic corps would not only gain a more complete knowledge of the duties of the Foreign Office, but would return to their missions refreshed in those liberal principles which distinguished the Foreign administration of England, and which would act as a counterpoise to the notions with which they might, perhaps, be imbued by constant residence in despotic countries. Two months' leave was given in each year to diplomatists; but if they could not take advantage of it for a year or two, the leave was allowed to accumulate, and any reduction of salary, when they were permitted to take their leave, ought to be very small. The practice of leaving it to Ministers sent to many foreign capitals to hire their own houses was attended with much inconvenience. A new Minister usually found the last residence given up, and he often had great difficulty in obtaining a house. He was obliged, on his arrival, to go to an hotel, and every one tried to obtain the largest possible sum from him for any residence that he desired to rent. It was a great evil to be obliged frequently to remove the documents and archives of the embassy from one house to another. If the Government would take a residence on a long lease for the Minister, a reduction of his salary might be made, if it were thought necessary; but it would be a great comfort to the new Minister to have a house to go to at once. He thought the recommendations made by the Committee were very fair and just to the diplomatic service, without being extravagant, and he believed that the House would only be upholding the feelings and long experience of the Foreign Office in supporting the resolutions of the Committee. Earl Russell, Lord Malmesbury, the Earl of Clarendon, and Lord Stratford de Redcliffe had all borne testimony to the able manner in which the diplomatic service of this country was carried on. A more able or distinguished body of men were not, indeed, employed in the public service, and yet there was abundant proof that almost without an exception their expenses abroad exceeded their income. He believed that the House would not wish, when the country was well served, that these gentlemen should

*Sir Minto Farquhar*

expend more than their salaries in performing their duty to the public.

MR. WHITE said, he ventured originally to take exception to the constitution of the Committee which sat upon the question of the diplomatic service, because he knew that the result of its deliberations would lead to an augmentation of public expenditure. He had himself objected to the nomination of the present Foreign Secretary upon it, not from any invidious motive, but to raise the question of the constitution of the Committee. On the Committee there was an undue proportion of the official element—there being eight out of fifteen members either officials or ex-officials, and four others who were connected with the diplomatic service. It was easy to foresee what the Report of such a Committee would be. The hon. Member for Horsham (Mr. S. Fitzgerald) thought it strange that hon. Gentlemen below the gangway should object to the paying of *attachés*, or to the raising of their salaries, because, he said, that by so doing they were handing over the offices to the exclusive possession of aristocratic persons. But his reply to the hon. Gentleman was, that if he could show that by paying *attachés* or increasing their salaries he would guarantee that the area of selection should be widened, there would be some weight in his argument. He (Mr. White) was of opinion that by increasing the emoluments of the profession they would circumscribe the area of selection, and therefore he could not accept the recommendations of the Committee. When the Astronomer Royal was first appointed, in the reign of William III., the King proposed to give him a salary of £800 a year; but Dr. Flamsteed said he would rather have £300; and when the King asked why, the doctor replied, "For £300 a year you will get an astronomer; but if you give £800 you will get not an astronomer, but an aristocrat." He would merely add that he should oppose the recommendations of the Committee.

#### OMNIBUS FARES IN THE METROPOLIS. OBSERVATIONS.

MR. DAWSON said, he rose to call the attention of the Secretary of State for the Home Department to the system of extortionate fares demanded by the Drivers and Conductors of public conveyances in the Metropolis, and to the absence of any proper limitation of fares in the present

regulation of Omnibus traffic. The subject was one of great public interest and importance, especially at that moment. When he brought the matter to the notice of the Home Secretary on the 16th of last month, he expected to receive a more satisfactory reply than the right hon. Gentleman had given. That reply was to the effect that—

"It was impossible to adopt the same regulations as to the rates and fares of omnibuses as existed in regard to hackney carriages. Omnibuses were a description of stage carriage; but the law did provide that the fares charged should be uniform for all passengers, and should be according to a scale conspicuously painted within the vehicle."

He could assure the right hon. Gentleman, from communications which he received every day, as well as from the constant complaints that were made, and the state of things which the police reports disclosed, that there was a wide spread disinclination to tolerate such a system of public exaction as now prevailed, and that that House and the Government would be held responsible. At a time when we had invited foreigners of all nations to our Exhibition—and the fulness of the hotels, and the almost impassable state of the thoroughfares, showed how they had responded to the invitation—we had done absolutely nothing to correct the glaring faults in our modes of public conveyance, and we were handing over the persons and purses of our visitors to the rapacity and extortion of the least conscientious portion of the community. It was highly prejudicial to the public convenience that omnibuses should be subject to no better supervision, and that they were enabled to charge double fares whenever an increased demand was made upon them. Railways and hackney carriages were subject to strict regulations, and it was strange that a mode of conveyance to which the poorest classes in the community were obliged to resort should be under such very little control. A case which was reported in *The Times* of the 25th of June would illustrate the matter. A Mr. Smith, an omnibus proprietor, was summoned by Inspector Carter, at the instance of Sir Richard Mayne, before Mr. Ingham, at the Hammersmith Police Court. The charge was, that the extreme places between which the omnibus ran were not painted on the table of fares. Mr. Ingham said, he was not aware of any law by which omnibus proprietors could be compelled to paint the distances on the table

of fares; and the defendant said, his fare was 6d. for any distance; the public could please themselves whether they rode or not; he was not aware of any law by which omnibus proprietors were compelled to charge certain fares, and if they thought proper to charge half-a-crown for each passenger, they could do so. The newspapers were full of complaints from our own countrymen, but it was for our visitors that he particularly felt, because, from their imperfect acquaintance with our language, and with the distance of places which they wished to go to, they were peculiarly liable to extortionate demands. It had fallen under his own observation that three foreign gentlemen were asked 1s. apiece by the conductor of an omnibus for riding from the Exhibition to Charing Cross; and, upon his remonstrating with the conductor, he was informed by the man that as long as he exhibited a placard of increased fares outside, he had a right to make that or any such charge. He contended that legislation on the question was not impossible. The suggestion had been made that there should be an uniform rate of one penny a mile, or for less than a mile; that no fare should be less than twopence; that all omnibuses should travel at a rate not less than seven miles an hour, with other regulations. A second suggestion was, that there should be a list of fares conspicuously placed both inside and outside the omnibus, and that no change should be permitted to take place in the amount of the fare except after one month's notice published in the *London Gazette* and in two of the morning papers. A third and very valuable suggestion was, that on every application for the renewal of an omnibus licence, a table of fares should be produced, which should afterwards be adhered to. Another nuisance was the practice of nursing, which ought to be put an end to. With regard to the London omnibus, it was more inconvenient, and less adapted for ingress and egress, than any similar vehicle which could be found in any other country in Europe. It certainly required reconstruction. As to the cabs, he acknowledged the more defined regulations which were in force respecting them; but still there was great room for improvement. For example, the law seemed inadequate at present to compel the attention of drivers to a hirer unless the number of the party was such as seemed to promise a better fare than

usual. He would suggest that the police, as well as private persons, should institute prosecutions in all these cases, for few persons could follow the excellent example set by Sir Frederick Slade the other day, and summon, in the public interest, omnibus conductors or cab-drivers who were guilty of imposition. That domestic question possessed just now a cosmopolitan interest, and he hoped that the Government would not lose sight of it.

SIR GEORGE GREY said, he was sorry the answer which he gave a short time previously did not appear sufficient to the hon. Gentleman. There was a great distinction between cabs, which plied for hire for uncertain distances, and omnibuses, which, like stage-coaches, plied between certain given points. Still, some of the suggestions of the hon. Gentleman were worth consideration. On the other hand, the law already provided for some of the cases mentioned by the hon. Gentleman. For instance, omnibus "nursing" accompanied with violence or obstruction, was an offence which was already punished by suspension of licences, and by fine. Many of the complaints made as to the public vehicles of the metropolis were caused by the very unusual demand for them. In ordinary times competition was the best security for low fares in omnibuses; but at present the demand much exceeded the supply, and that was even more true of cabs than of omnibuses. Then, with regard to police prosecutions, the police had received instructions, upon which they acted, to watch the conduct of cab-drivers where they refused to take up passengers; and numerous cases had occurred in which, upon the information of the police, cab-drivers had been fined and their licences suspended. It was impossible at such a time to prevent the misconduct of individual drivers, and in all cases to secure their punishment; but the police were doing everything they could to protect the public, both Englishmen and foreigners, against imposition. With regard to the inconvenience of the present omnibus, Parliament could not well prescribe the form of the vehicle, or make any minute regulations respecting it; but one improvement would certainly be, that the table of fares should be painted outside as well as in. It was hardly worth while to bring in a Bill on purpose to effect that object; but it might be desirable at an early period to revise the law with regard to public vehicles, and then he would bear in

mind the suggestions of the hon. Member, with a view to any improvement which seemed necessary.

#### THE MALT DUTY.—OBSERVATIONS.

MR. BALL said, he rose to call the attention of the House to the continuous oppressive Duty on Malt. They had had discussions upon questions of expenditure which had elicited some very able speeches. He thought that those speeches which had emanated from the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) were calculated to do a vast deal of good. They were the handwriting on the wall which declared that no Government would ever again be allowed during a time of peace to raise a revenue of £70,000,000. A feeling had sprung up throughout the country that an immense expenditure should no longer be tolerated; and that as it was wholly unnecessary, it ought to be materially reduced. But if they had a revenue of even £75,000,000 or £80,000,000, they would be sure to spend it; and therefore their great security for the future would be their determination to refuse such large sums of money as had hitherto been asked for. If they were to abridge the revenue, he was sure that their expenditure would be cut down. Now, he did not know anything that claimed more strongly the consideration of the House and the Government than the reduction of the malt duty. Before the corn laws were abolished, it was generally admitted that the interests of agriculture would have fair claims on the consideration of the Government. They had not, however, received the consideration which had been promised. He hoped that the time would never arrive when they would suffer from a dearth of corn as they were suffering from a dearth of cotton. They had always been told that there would be an abundant supply of all commodities if free trade were fully established; but in the case of cotton it had failed to keep up the necessary supply. He hoped that the time would never arrive when a war with Russia or America would prevent a supply of corn coming into the country. He was disposed to think that the House was not aware of the amount of revenue derived from malt. Besides the £5,000,000 or £6,000,000 which were derived from the article of malt, there were £10,000,000 or £11,000,000 more from spirits; and thus the country derived about £17,000,000,

nearly one-fifth of the revenue, from the single article of barley. That was most impolitic, as well as oppressive to the agriculturist. In his opinion, if the duty were reduced, an equal, or perhaps greater, amount of revenue from malt would be received from the increase of consumption. Malt had been taxed to such a degree that an extension of the consumption could not be obtained. Moreover, the farmers were not permitted to use their own malt, without paying a tax for it, for the purpose of rearing or fattening cattle; so that in this respect they were unable to meet the foreigner on equal terms. The duty-paid malt in England, Scotland, and Ireland, in the years 1830, 1831, 1832, 1833, and 1834, was on an average 4,932,632 quarters. And in the years 1857, 1858, 1859, and 1860, after the lapse of thirty years, the duty-paid malt was 5,159,897 quarters, being an increase of only 227,265 quarters, or about 5 per cent in thirty years. While the population had increased at the rate of 30 per cent, and the wealth of the country had increased at a greater rate than 30 per cent, there must be some cause for so small an increase in the consumption of malt. He believed that that cause was to be found in the great and severe amount of duty imposed upon it. If the Chancellor of the Exchequer would materially reduce the amount of that duty, he believed that the amount of his revenue would be by no means lessened. There were two modes by which relief might be given to the agricultural interests. One was by materially reducing the amount of duty on malt. But that was not the mode of relief which they ought to desire either in a national point of view or as moralists. If the House had virtue enough—if the representatives of the people had independence enough, and if there were not parties to control the Government, the most effectual and essential way of giving relief to the agriculturist would be the removal of the whole of the duty on malt and the placing it upon beer. That would be one of the noblest things a Chancellor of the Exchequer could do; and one of the most beneficial movements that the House could adopt. From the facility afforded for rearing and feeding cattle with malt, there would take place an augmented consumption of the article. The farmers would be able to supply a nutritious beverage to the hardworking man employed in field labour, and at the same time the tippling, drunken, and demoralized habits

which so much disgraced the country would be diminished. There was no opportunity during the present Session to bring in any measure on the subject; but he wished to lay before the House his views on the subject, in the hope that the Chancellor of the Exchequer would be induced to give his attention to it, and if he had courage enough—he (Mr. Ball) believed he had grace enough—to strike the duty off malt and to put it on beer. By so doing, the right hon. Gentleman would confer one of the greatest blessings on society; and prove himself one of the greatest moralists of the age.

THE CHANCELLOR OF THE EXCHEQUER said, the hon. Member had with great fairness stated his reason against the continuance of the malt tax. Nevertheless, in dealing with the question, he had overlooked some important considerations connected with the subject. When a complaint was made that there had been no considerable increase in the consumption of malt, it was but fair to take into view the fact that during the period to which the hon. Member had referred the country was becoming a community consuming a much less average quantity of strong liquors than formerly. Let the House consider what was the consumption during the period alluded to of spirits and wine. The consumption of wine, until the recent change, was stationary; and the consumption of spirits, he apprehended, had positively receded. The hon. Member, when he said that barley laboured under oppressive taxation, ought to bear in mind the average prices for barley for the last ten and twenty, or forty and sixty years, and he would then perceive that barley was a grain of which the progress in price had been much more marked than that of any other grain. That was a conclusive answer to the statement of the hon. Member, that barley was a grain unduly ground down by taxation. The system of this country was to levy a large portion of revenue from strong liquors; and how was malt treated as compared with other strong liquors? Without saying that it was less taxed than it ought to be, he, nevertheless, maintained that it was treated with mildness. The tax on alcohol in beer was at the rate of about 2*s.* the gallon. The tax on alcohol in wine was at the rate of from 4*s.* to 7*s.* the gallon; and the tax on spirits was at the rate of 10*s.* the gallon. The hon. Member ought to remember that malt had received very great advantage

from recent legislation. There had been the remission of the duty in Scotland on all malt used in making spirits, and the great competing article with malt—spirits—had had the duty on it immensely increased, while the duty on malt had remained stationary. The duty on spirits in Ireland ten years ago was 2s. 8d. the gallon; in Scotland, 3s. 8d., and in England about 7s. the gallon; while now, throughout the whole of the three kingdoms, it was 10s. the gallon. The effect had been to occasion a considerable reduction in the consumption of spirit, while that of beer had increased. The hon. Gentleman's proposal to transfer the tax from malt to beer was attractive at first sight; but it was a mistake to suppose that it would be any great boon to the brewer; because at present it was the maltster, and not he, that was liable to the survey of the Excise. As regarded the revenue, it would be a most formidable change to remove the survey from the 10,000 maltsters to the 40,000 brewers. There might be good reasons for a change such as that proposed by the hon. Gentleman if it could be proved that malt, but for the regulations of the Excise, would be extensively used in the feeding of cattle. That, however, was a question which had undergone the most careful consideration before a Committee not composed of persons hostile to those connected with the sale and growth of barley; and he spoke without fear of contradiction, when he asserted that the result of the investigation had been to show that it was far more profitable, on account of the superior nutritive qualities of barley, to apply it to the feeding of cattle than to convert it into malt, and then to use it for that purpose. The hon. Gentleman complained of the mode in which the farmers were exposed to competition with the foreigner. Competition in what? In malt? It was admitted that the foreign maltster could not compete with the English. Was it, then, in the article of meat? If so, he could only say that there had been a steady increase in the price of meat, and yet the hon. Gentleman had come forward and complained, in lugubrious tones and with a perfectly grave countenance, of the position of two agricultural products in the case of which, ever since competition had come into operation, an upward movement in price had been the result. That circumstance, however, afforded no reason why the law should not be improved; and if

the hon. Gentleman could show that the agriculturist was deprived of a beneficial article of nutriment by the law as it stood, he would have adduced an important reason for its alteration. That, at the same time, was a matter which the hon. Gentleman had not attempted to discuss on the present occasion, and he should not therefore detain the House by quoting authorities on the subject. Let not his hon. Friend, however, run away with the notion that a reduction of taxation always meant an increase of consumption. No doubt, in judiciously selected instances, that had proved to be the case; but it must not be regarded as a mathematical axiom. If the hon. Gentleman would turn his attention to the article of coffee, he would find that although much had been done in recent years to relieve it from duty, yet no appreciable increase in its consumption had taken place. His hon. Friend had discharged his duty to his constituents and to his conscience, and no man felt that duty press more heavily upon him; but he (the right hon. Gentleman) hoped that it would be unnecessary to continue the discussion further.

MR. SPOONER said, the Chancellor of the Exchequer was wrong in thinking that the question had been settled. He could, from personal experience, confirm the statement of his hon. Friend the Member for Cheshire (Mr. Ball), that malt was much more valuable than barley for feeding cattle.

Main Question put, and agreed to.  
Supply considered in Committee.

House resumed.

Committee report Progress; to sit again on Monday next.

#### THAMES EMBANKMENT BILL.

[BILL NO. 162.] COMMITTEE.

Order for Committee read.

House in Committee.

Clause 6 (Power to make Works according to deposited Plans).

MR. AYRTON said, that although there had been frequent discussions in the House in connection with the Thames Embankment Bill, they had little or none at all on the merits of the embankment itself. Up to that time the proceedings with regard to the project had been conducted upstairs with closed doors, and the public were apt to suspect, under such circumstances, that everything that was done was

done in an imperfect manner. But the time was come when he hoped they might get rid of all personalities, and arrive at a proper consideration of the intrinsic merits of the project embraced in the Bill. There was great misapprehension both within and without the walls of that House on the subject. The objects of the Bill were four. First, it was proposed that there should be a solid embankment from Westminster Bridge to the east side of the Temple ; and from thence a viaduct upon piers in a curve to Chatham Place. A second part of the Bill provided for a street from Charing Cross Bridge to Somerset House. A third, for a street from about the same place to Whitehall Place ; and a fourth for a street from the embankment to Whitehall Stairs. That was an enormous undertaking, not merely of embankment, but also of street improvement, which was estimated to cost in the first instance £1,240,000. It was said that some property would be re-sold, and that the net cost would thus be reduced to £969,000. In relation to the project his constituents stood simply in the position of contributors to the fund, for individually they would derive no advantage from the works to be undertaken. They were therefore entitled to scrutinize the project, to ascertain what its character was, and to be satisfied that it was reasonable and moderate. The project was launched under singular and extraordinary circumstances. It was at variance with the recorded opinions of the most eminent persons for a period of upwards of twenty-five years ; and though it was promoted by the right hon. Gentleman the Member for Hertford (Mr. Cowper), it was really not launched by him as Chief Commissioner of Works, because his department had nothing to do with it. The persons connected with his office disapproved the scheme, and the right hon. Gentleman was obliged to place himself in the hands of individuals not in the public service, and not, therefore, responsible to the Crown, who became his professional advisers and agents in passing the Bill through Parliament. Here, then, was a great public measure, promoted by professional persons with singular skill and ability, no doubt, but conducted as if it were a private enterprise, unable to stand upon its own intrinsic merits. But what might be done with propriety by a skilful professional adviser to carry a railway Bill through Parliament could not be done

with the same propriety when the project was to be executed at the expense of a large portion of the general public. The fund from which the cost of the embankment was to be defrayed had been intrusted to the Treasury, who had accepted the trust for the benefit of the inhabitants of the metropolis ; and they were, therefore, bound to regard the question as a purely public question, which ought not to have been taken out of the hands of responsible public servants and placed in those of private professional men. He would touch but lightly upon one part of the project—namely, the new street from Hungerford Market to Wellington Street, because, as the House had been told, the Committee came in their own minds deliberately to the conclusion that the street in question ought not to be made. He would simply ask, then, why was it in the Bill ? It would be remarked, that although the new street remained in the Bill, there was another clause to the effect that it was not to be begun until all the other works were completed. That was, perhaps, the most inconvenient sort of clause which could be inserted in a Bill, because it would hamper owners and occupiers in the enjoyment of their property for an indefinite period. In connection with that point, he could not help saying that the hon. Member for Westminster (Sir John Shelley) was put in a most unfortunate position—one not of his own seeking—when he was placed upon the Committee. His hon. Friend asked him (Mr. Ayrton) to serve in his place, knowing that he was being thrust into an invidious position, and he declared himself ready to do so, but said the matter rested with the Government, who were nominating the Committee. The hon. Baronet thereupon made a representation to the Government, but they preferred placing the hon. Gentleman in an equivocal position, in which he really, as the representative of a locality through which the embankment was to pass, could not discharge the duties which the metropolis expected from him. It was only proper to state, however, that the hon. Baronet proceeded with great ability, fairness, and judgment, paying every possible attention to the interests of the ratepayers at large. While the inquiry was in progress, the hon. Baronet told him that the new street had, by some mystification which he did not understand, been sanctioned in form, although it was against the opinion of the Committee, and

asked him what was to be done. He advised his hon. Friend to use form against form and to propose the postponement of the work, inserting a clause in the Bill to that effect, so as to make it manifest that the Committee disapproved the new street. Accordingly, the hon. Baronet moved the clause to which he had already referred, and thus we had an emphatic declaration of the Committee, that although the new street had been sanctioned in point of form, yet they did not think it was a work which ought to be undertaken. He hoped the Chief Commissioner would now consent to strike out of the Bill everything relating to the new street, in order that the Committee, who were quite innocent in the matter, might not be subjected to reviling on account of what appeared to be an inconsistent and absurd proceeding. But he came to the embankment itself, which started from Blackfriars Bridge, and it was important to remark that the principle which had been so stoutly contended for at the Westminster end had also to be considered at Blackfriars—namely, whether it was a proper way of making the roadway to run it up on a slope at right angles with the slope of the bridge. In the end the Committee came to the deliberate judgment that such was not a proper proceeding, and, in fact, any man of common sense must arrive at the same conclusion. The Committee rightly decided that the roadway should join Chatham Place in a curve, and he hoped the House would not interfere with their decision upon that point. Following the line of embankment from Blackfriars Bridge, he came to the hallowed precincts of the Temple; and here he must say, that when he heard the hon. and learned Member for Southwark (Mr. Locke) talk about the pretensions of the aristocracy, he could not help asking himself whether his hon. and learned Friend was a member of the Temple, and whether he was present when the Benchers, over their after-dinner port-wine, resolved to assert what they believed to be their rights. The embankment went in front of the Temple; and between the roadway and the Temple there was a considerable space—the only space from one end to the other which could be made a pleasant recreation ground for the people. Well, the Benchers demanded that recreation ground of the people to be given up to them for nothing as their private property, and the promoters, knowing the difficulties of defending the

scheme, which was condemned by all the ablest men who ever investigated it, surrendered that public right to the Benchers. As a member of the Temple, he regretted that the Benchers should have made such a claim, instead of leaving the space available as a recreation ground for the people; but it was given as garden ground to the Temple—as building land ["No, no."] He said "Yes," because the Benchers had the right of building on their own garden ground, which they might appropriate as the substitute of the garden given them under the Bill. Such was the way in which the Temple had treated the project. They then passed to a noble Duke—the Duke of Norfolk. How had he been dealt with? There also, was recreation ground; and great rights were given to the Duke. He was allowed to build along the front of that vacant ground, but the ground was kept as recreation ground, although he did not see the good of it. They would have to pay, in the first place, for everything useful they destroyed; they would have not only to purchase, but to improve the frontage. Passing Somerset House, where nothing was done, they came to another noble Lord. Concessions were made to him. There was a thoroughfare leading to the embankment—he was to have the liberty of shutting it up. Was that reasonable conduct? Then they came to the Adelphi estate where there was a good opportunity of improving the town. They were, however, not to be allowed to carry on the embankment that already existed, nor were they to be permitted to build any erections upon their own embankment, except such as must necessarily be of a trumpery kind. Next they came to Charing Cross Bridge. What did the promoters do in face of a powerful company? They came to a written engagement that they would pay the company £55,000 if any person was allowed to land on the embankment within 250 yards of their pier. The Committee, indeed, rejected that proposition, but the promoters agreed to it. Next they came to the Duke of Northumberland—they paid him the full value of his property, they reclaimed and filled up all the land, and then it was so hampered with conditions that it was not available for recouping the expense. They now came to the Crown estate and the Crown lessees, and the great dispute between Mr. Pennethorne, as the official organ of that department, and the promoters of the Bill.

*Mr. Ayrton*

Here the Committee appeared to have got into great difficulties. In point of fact, they came to the conclusion—to which he should have subscribed himself—that it was better to stop there, and leave for future consideration the relative merits of the two schemes. Why? They had no power; the Metropolitan Board had no power; no individual had any power, to moot the question between the two rival schemes, unless they first got the sanction of the Crown. The scheme of the Chief Commissioner was unanswerable, if they took it as he had placed it before them. It was perfect in itself. It had unity of design; but would they ever consent to a roadway sloping obliquely along the terrace of the House of Commons? But Mr. Pennethorne said they had spent £2,000,000 sterling, and more, upon a distinct intention, always expressed and carried into effect, that there never should be any further embankment in front of the Houses of Parliament. They were told twenty years ago that the thoroughfare was to be improved by a road at the back of the Houses of Parliament; and, what was more curious, the right hon. Gentleman the First Commissioner had put on the table of the House that Session a Bill which imposed a charge of £500,000 on the Consolidated Fund, if the fee fund was not sufficient, in order to complete the design of Mr. Barry and pull down the courts of law which obstructed the thoroughfare between the Houses of Parliament and the Abbey. What were they paying for sites for public buildings? Mr. Pennethorne, as the architectural adviser in these transactions, said they could save £500,000 by erecting a block of buildings on the other side of Westminster Bridge consistent with the design of the Palace at Westminster. Therefore his scheme was a very complete one, and it was also one which would be most satisfactory to the taxpayer, because he undertook to take the whole matter into his own hands, and pay for it out of resources which would be at his disposal. The result of passing the Bill would be, that the public would get an embankment of a most miserable character, which would not have one redeeming feature of style or beauty about it. Here and there would be a jagged bit of nasty dirty, smutty garden, with trees in it which would not grow, and in which there would be children disporting themselves, not really for healthy recreation, but so, as was the case

in Trafalgar Square now, as to require the continual attention of a policeman, to prevent them being a nuisance to the public. Then there would be a few buildings, then a range of wretched, low houses, that could not be elevated; then narrow streets, and then more buildings with small fronts; so that there would be no sort of beauty at all from Westminster Bridge to the Temple Gardens. He did not want to make any reflections upon parties for whose benefit or protection clauses had been inserted in the Bill, or even upon the Committee for assenting to them, because, as they were dealing with a private promoter, and the clauses were presented as the results of arrangements, they had no alternative; but it was much to be regretted that the desire to get the Bill through the Committee had led the promoters to accept such clauses—clauses which, if once sanctioned by that House, could never be altered, because they would become matters of contract with individuals; and he hoped that the noble Lord would act up to the earnest statement which he had made the other evening, that as the people were to pay for the embankment, they ought to have an embankment in return for the money which they spent upon it.

COLONEL KNOX said, he had nothing to regret in the course which he had taken in the Committee. He went into that Committee perfectly unbiased, as representing the public, and that duty he had endeavoured to discharge to the best of his ability. When he found himself in a minority upon the question of stopping the roadway at Whitehall Stairs, he came to the conclusion that the decision of the Committee must be fatal to the embankment as a great national object, because it was impossible to ask the public for money to make an embankment two miles long when of 200 yards of that distance they were not to have the use. He would say nothing about persons who were proprietors of houses along the line of the embankment, and he regretted that one of the leading journals of the country should have cast imputations upon the noble Duke who was one of these proprietors, because he was of opinion that no man could have behaved more fairly and more straightforwardly than did the noble Duke when he was before the Committee. That noble Duke said, "Let me remain as I am; but if it can be shown to me the necessity of this roadway being continued as a metropolitan improvement, I have nothing

more to say." He could not, however, so easily leave the right hon. Gentleman the Member for Stroud (Mr. Horsman), who was also an interested party. The right hon. Gentleman had declared on the previous evening, with his usual eloquence and ability, and in a most ingenious and disinterested manner, that he had nothing whatever to do with this matter, and would not act upon the Committee. But that right hon. Gentleman was in the committee-room every day; not being a member of the Committee, he had the advantage of being called as a witness, and his evidence had some weight with the Committee. When he so strongly protested that he had no interest whatever in the matter, and that if it had been necessary for the public convenience, he would have allowed this roadway to go through his drawing-room, he must say that he was very sceptical on that point. He thought that it would have been better if the right hon. Gentleman had been on the Committee, and had, as he might then have done, fully and openly expressed his views upon the subject. The question turned entirely on the traffic. The great object of the embankment was undoubtedly to relieve certain thoroughfares from a portion of the traffic which now choked them up. Without casting any disparagement on the character of the witnesses who opposed the scheme, he must say that he would not give a farthing for the opinion of some of them. They were not in the habit of driving in a carriage through the crowded streets, and had not sufficient actual experience of the matter to enable them judge. On the other hand, Sir Richard Mayne, whose business it was to regulate the traffic of the metropolis, must, both from his own observation and from the information which he officially received, be the most competent and reliable authority on the question. The allegation that the prolongation of the embankment from Whitehall to Westminster Bridge would impede the flow of traffic, was one of the greatest bugbears ever put forward. He desired the attention of the Committee to the following passages from Sir Richard's evidence :—

"Do you think, then, that it would be of great public convenience to find an alternative road to Westminster which should relieve the streets that you have mentioned and a portion of their traffic? —It would be very.

"Would that roadway embankment tend to relieve all the streets, by taking the traffic that wishes to go between the City and Westminster

that is, commencing at Westminster Bridge?—Yes, I think it would be very great relief.

"If it did not commence there, but adopted the course which is suggested, of terminating in Whitehall Yard, there would be no relief to Parliament Street? —None whatever, or Bridge Street.

"Whereas, if it commenced at the foot of the bridge, the traffic of Bridge Street would be relieved by the City traffic being taken off at once, and so the concourse of traffic at the corner of Parliament Street greatly diminished? —It would relieve not only that traffic; but if there was an opening about Charing Cross, it would be likewise the means of a great deal of the traffic that would go to the north, to St. Martin's Lane; a great part might go, and it ought to go—it might be compelled to go that way.

"Persons might, by a slight detour, avail themselves of the street in front of the Horse Guards, and so avail themselves of the embankment? —Yes; that in front of the Horse Guards would not relieve Charing Cross.

"It would probably bring a larger amount of traffic to Whitehall and Charing Cross? —I think it would be very likely to aggravate the evil at Charing Cross.

"You would hear, I presume, with very great regret, that such a decision should be come to that this Committee should determine to stop the line short at Whitehall Yard? —It would make a very inadequate relief to the difficulties that I have alluded to."

Those were the views of a witness who was much better qualified to form a judgment on the matter than Mr. Pennethorne, the architect. The fact was, that there was scarcely any street which was not intersected at right angles by some other street. That was the case where Fleet Street, Ludgate Hill, Bridge Street, and Farringdon Street met, and where, perhaps, the greatest traffic in London was to be found. When one side of Bridge Street was taken down, as it would be in time, there would be no difficulty in regulating the traffic. The hon. Member for Westminster on the previous night made a grand flourish about the care he took of the interests of his constituency, and declared that to the peer and the wharfinger he would serve out even-handed justice. But did any of the wharfingers between Richmond Terrace and Westminster Bridge appear before the Committee against the Bill? None did so. The truth was, that they were perfectly satisfied with the compensation which they were to receive, and were by no means obliged to the hon. Gentleman for interfering. If the constituency of Westminster were polled, he believed, that nine out of ten would support the scheme, and reject the view of the hon. Member. The hon. Member for the Tower Hamlets (Mr. Ayrton) complained that

his constituents would derive no benefit from the embankment, but he believed that they would get as much advantage from it as any other body of citizens if they went that way. Those who lived in the smoky regions of the Tower Hamlets would be very glad to walk westward and enjoy the open embankment. One of the main obstacles to the project was the want of harmony which prevailed between the Commission of Public Works and the Board of Woods and Forests. It was most painful to see the heads of those two branches diametrically opposed to each other on the subject, as they were at present. No great metropolitan improvement would ever be effected until the noble Lord at the head of the Government was able to make them agree.

MR. DENMAN said, that the perusal of the evidence led him to the conclusion that in this instance argument was all on the one side and evidence on the other, and that the majority of the Committee for once were wrong and the minority right. No Member of the House supposed for a moment that the influence of the Duke of Buccleuch or any other man could prevent the Committee from doing what they honestly deemed to be for the best. But, at the same time, it was idle to say that private interests were entirely disregarded. In his opinion they had been allowed to outweigh public interests. No doubt, the right hon. Member for Stroud was perfectly sincere in declaring that all private interests should yield to those of a public character; but he was not exactly a witness on whose evidence entire reliance should be placed, because he had a natural bias on the question whether or not the amenity of his residence was destroyed. The Duke of Buccleuch also said in his evidence that he did not think that the advantage to the public was sufficient to warrant the injury which would be done by the scheme to himself and his neighbours. The great desire to protect private interests was the reason of the counter scheme being proposed. But the question was whether those private interests were not inferior to the public convenience. Sir Richard Mayne, who was the best authority upon the subject, said in his evidence that he was obliged to place additional policemen at the corner of Bridge Street and Parliament Street, where the great confluence of traffic occurred, to protect Members coming to the House; and that, notwithstanding every precaution at

that point, accidents constantly happened. It was the strongest case of public inconvenience which had ever been made out; for it was not mere inconvenience, but absolute danger to life and limb. Sir Richard Mayne told them that it was essential to the correction of the evil that there should be a second way of getting from Westminster Bridge to the City. The object was to prevent the traffic running along Bridge Street and sharp round the corner by way of Parliament Street to Charing Cross. The counter scheme did not effect that object, and it would entail an additional expenditure of £300,000. The scheme of the promoters of the Bill would achieve the desired result, and the only objection to it was its interference with one or two private residences. There was private inconvenience on the one hand, and public convenience on the other. In his opinion, the case on the part of the public was made out, and the decision of the minority of four was right, while the decision of the majority of seven was wrong. It was just the case in which the House ought to adopt its own view. He disclaimed any imputation upon any person who had opposed the scheme. He gave credit to the majority of the Committee for believing that the counter scheme was the better scheme. He gave the Duke of Buccleuch credit for believing that he had a better case than the public. But he could not admit the Duke or any other man to be judge in his own cause; and having read the blue-book, he had come to the conclusion that they ought to reject the counter scheme, which did not meet the main difficulty pointed out by Sir Richard Mayne, and for the removal of which legislation was most required.

MR. NEWDEGATE said, that having been a member of the Committee which sat nine years ago upon the embankment of the Clyde, he wished to say a few words upon the subject at present under discussion. He had long formed a strong opinion in favour of the embankment of the Thames, but he thought the embankment and the carrying a roadway from Whitehall Place to the foot of Westminster Bridge two distinct proposals. In the case of Glasgow it was necessary to provide for the traffic of a commercial district, and the Committee authorized a roadway and a railway along the quays. The case of London was different. The Committee had wisely rejected the proposal to pass a railway, even from Whitehall Place

to Blackfriars, but they had proposed a roadway, because the internal communications to the City were obstructed: the Strand was insufficient for the traffic. They had also wisely rejected the roadway from Whitehall Place to the foot of Westminster Bridge; because, if it were carried to that point, the inevitable inference would be that it must be carried on between the Houses of Parliament and the river. In 1848 he had been employed as a justice of the peace for the Liberties of Westminster to swear in as special constables a number of the workmen employed in the House: some of them had been tampered with, and refused to serve. It then occurred to his mind, and to the mind of the magistrate who was acting with him on that occasion, that the terrace on the bank of the river might, in the event of any popular excitement, if a roadway had been carried along it, be made the point from which the Houses of Parliament would be assailed. It was his belief that Parliament had wisely decided that no thoroughfare should pass between the House and the river; and he trusted that the House would continue to adhere to that determination. The scheme of Mr. Pennethorne for making a new street from Whitehall Stairs, widening Parliament Street and the streets to the south of that House, reaching the riverside beyond the precincts of the House, was not a new one, for it had received the sanction of a Commission in 1844, consisting of men of the highest character and of the highest qualifications both of taste and judgment, and was in his (Mr. Newdegate's) opinion infinitely preferable to the footway or any roadway along the embankment from Whitehall Stairs to Westminster Bridge; while, if a street were carried from the foot of Westminster Bridge past the old Board of Control Office to the Whitehall end of Parliament Street, the traffic which at present crowded the crossing of Bridge Street and Parliament Street would be divided, and all danger or inconvenience to hon. Members in passing to and from the House would be avoided. This was part of an extensive scheme for the improvement of that part of the metropolis, and it was probably because no Chancellor of the Exchequer had found it agreeable to find the money for carrying it out that the scheme had not been undertaken sooner, and did not appear on the present plan. He believed that the decision of the Committee was perfectly right, ex-

cept as to the footway along the embankment: they felt that very material facts had been withheld from them, and they found that if they recommended the House to limit themselves to this narrow scheme, they would virtually be delaying greater metropolitan improvements, which had been kept back from temporary considerations of expenditure, but which must be carried out at some future time.

LORD ROBERT CECIL said, he thought the hon. Member for the Tower Hamlets deserved the thanks of the House for bringing back the discussion to the intrinsic merits of the subject. He could not understand why, on a hybrid Bill like that before them, the House should forget all the considerations on which such measures were usually discussed, and should allow all the debate to turn on the name of the Duke of Buccleuch. He was quite tired of hearing the duke's name brought up in the discussion. In other Private Bills great landowners had appeared before committees by their counsel, and had had their interests considered; and if there had been any discussion afterwards on the decision of the Committee, the House, as far as he could remember, had not routed out the name of any single individual affected, and degraded itself by debating the question with reference to his interests solely. If only for the sake of its dignity, he hoped the House would decide the question on public grounds solely, and would leave the Duke of Buccleuch to take his chance with any other subject of the realm to have the road come before his house, and to take his compensation like anybody else if it were for the public advantage, or to have the road diverted in another direction if that were a greater advantage. But, at all events, let not the House of Commons present the unseemly spectacle of debating a great metropolitan improvement on the interests of a single individual. The right hon. Member for Stroud (Mr. Horsman), who had been attacked by the hon. and gallant Member for Marlow (Colonel Knox), was perfectly well able to take care of himself; and with regard to the hon. Member for Westminster (Sir John Shelley), whom he had also attacked, probably the hon. Baronet knew his constituents best; but if the gallant Member at the next general election would contest Westminster on that question as a party man, no one would be more delighted with his success than he should. The

case was a very simple one, and lay in a nutshell. The question was really this—what were they to pay, and what were they to pay it for? If he were possessed of unlimited funds, as a metropolitan improver he would embank not only the Thames, but every other river which flowed through a great city; but, not being in possession of unlimited funds, the question was, whether the advantages offered were equal to the price to be paid for them. A great deal of doubt had been thrown over that part of the question, but still the facts were clear. If the road were carried over the embankment in front of the houses of the lessees, the metropolis would have to pay for it; but if the road were not carried over it, the lessees would pay for the embankment. That was £90,000 saved; and if Lord Carrington's house were not taken, another £10,000 would be saved. Then came the question of compensation to the Crown lessees. The right hon. Member for Stroud had put that at from £45,000 to £90,000, but no man was a good judge in his own case; and, taking the lowest of these two sums, that would make £145,000 which would have to be paid for the luxury of carrying the road along the embankment to Westminster Bridge. If the embankment was upon a level, it might relieve the traffic; but, owing to the want of provision which marred all metropolitan improvements, a railway had been allowed to take such a level that that relief could not be afforded. Therefore the traffic would have to climb a hill to get to Westminster Bridge. The hon. and gallant Member for Marlow had, with great felicity, compared it with Ludgate Hill. [Colonel KNOX: I did not.] He regretted that his senses had deceived him; but the fact remained that there would be a hill, and they had it in evidence that heavy traffic would not mount a hill if it could be avoided. The heavy traffic would make the small detour by Parliament Street. Then, as to omnibuses, they went where they could pick up fares, and those fares they picked up where people lived. Nobody would live upon the embankment, and therefore the omnibuses would not go there. Then there were the private broughams and Hansom cabs. He hoped to hear no more about a conflict between aristocratic convenience and popular rights, for there could not be a more aristocratic measure than to make a road solely for broughams

and Hansom cabs. But the point was not whether broughams and Hansom cabs should have a short cut, but whether it was worth while to spend £100,000 for the luxury. The House had been led upon a false scent—the red-herring had been dragged across their path—and they had been drawn away from the financial considerations, which would not have been the case if they had had to find the money. If the outlay was to come from the Exchequer, the scheme would have gone the way of the British Museum job, the South Kensington job, and other brick-and-mortar jobs which had come forth so plentifully from the same source. But the funds were to be provided from a tax which was almost a solitary instance of a tax upon an article of first necessity. Persons living fifteen or sixteen miles from the river, who had no interest in the embankment, were to be taxed to pay for that prodigal, extravagant, job. He could not help thinking that the real object of the scheme was not before the House, and the right hon. Gentleman the First Commissioner of Works had given them a hint of the ulterior design to which this was the introduction. They were, it appeared, to have a terrace carried along the river front of that House to Chelsea, in order to make a grand boulevard for the ornamentation of the City. He repeated, that if he had unlimited means, nothing would give him more pleasure than to expend those means in ornamenting London; but he feared that in those matters they were getting into the hands of the "men of taste," who were the most incorrigible depredators upon the public purse that ever cursed an economical House of Commons. They seemed to consider that the House of Commons possessed Fortunatus' purse, and that if a thing had been done at Dresden or Paris, therefore it should be done in London. He sincerely wished that in any future scheme of reform means could be found for rating "men of taste," and that they could be provided with a single pocket which could be laid under contribution to provide funds for the tremendous extravagances which they urged upon the country. But, at least, working men who lived fifteen miles from the river, who cared nothing for the ornamentation of the City, ought not to have the burden imposed upon them. It might suit hon. Gentlemen opposite, having a Duke in full cry, to chase him merrily, and to ignore the simple question of pay-

ment. He only hoped hon. Members, when next they met their constituents, would explain their conduct with regard to the coal duty. He repeated that the mere demands of the traffic were not sufficient to justify the expenditure to which they were invited, and the grander scheme for the ornamentation of the City was too extravagant to be entertained. Therefore, upon those grounds, putting aside all questions of private rights, he thought the Committee ought not to proceed with the plan of the right hon. Gentleman.

Mr. CRAWFORD said, the hon. and learned Member behind him (Mr Denman) seemed to think that the members of the Committee had been unconsciously led to a certain conclusion out of deference to certain influences. As a member of the Committee, he could say for himself, and he believed he spoke the sentiments of those with whom he voted, that on arriving at a conclusion he was governed by no other consideration than the traffic. The objections to bringing a large amount of traffic suddenly upon Westminster Bridge had been already stated, and he believed there would be a great and increasing traffic upon what would be the great highway between the eastern and the south-western portions of the metropolis. There was also the inconvenience of bringing that traffic upon the point where it would cross the stream of traffic passing over Westminster Bridge. He thought the Committee were justified in their conclusion, notwithstanding the evidence of Sir Richard Mayne. When Sir Richard Mayne was before them, the Committee were not aware that they could cross-examine him upon points connected with the alternative scheme. The hon. Member for Marlow (Colonel Knox) had referred to the block of traffic at the bottom of Ludgate Hill, where the traffic along Fleet Street and Ludgate Hill was struck by the traffic along Farringdon Street and Bridge Street; and it was because the Committee believed that there would be a worse block at the foot of Westminster Bridge, that they came to the conclusion at which they arrived. He repeated that the question of traffic was the sole consideration that had guided the Committee, and it was not fair for hon. Members to impute that they were governed by other motives; and if such an imputation should be again made, he begged to say that the hon. Gentleman making it was stating what was not the fact.

*Lord Robert Cecil*

MR. DENMAN said, that he had not stated that the Committee were not governed by the consideration of the traffic. He believed that they were governed by public considerations, and the traffic was one of those considerations. All he had said was, that from the evidence he himself had come to the conclusion that the four were right and the seven were wrong.

SIR JOHN SHELLEY said, as so much had been made of Sir Richard Mayne's evidence, and the Committee had been taunted with not having cross-examined him, he begged to say he could not admit that gentleman's authority as decisive. Any one who travelled through London could judge of the traffic as well as the Chief Commissioner of Police. He would answer Sir Richard Mayne by Sir Richard Mayne. Here was Sir Richard Mayne's evidence before the Royal Commission. He was asked by Sir Joshua Jebb whether, putting aside the question of public or private interests, he would advise getting on to the embankment near Westminster Bridge, or getting on to it near Whitehall Place; and his answer was—"I think it would be very important that there should be an approach to it at Westminster Bridge, but I think (alluding to Mr. Pennethorne's plan) the other would, perhaps, be as good in effecting the whole object." [An hon. MEMBER: Read the next question.] He would do so. Mr. Hunt asked Sir Richard Mayne—"You mean in addition?" and his answer was—"Yes; both are of the greatest importance." The remainder of the same answer was this—"If persons were required to go the whole line from Bridge Street to Blackfriars, very few indeed would use it." How those last words were to be explained he did not know.

Clause agreed to; as was also Clause 7.

Clause 8 (Works authorized).

MR. LOCKE said, he wished to move the omission, in line 33, of the words "subject to the limitations hereinafter contained." The first part of the clause provided for the making of an embankment and viaduct on the left bank of the Thames, and described the parishes through which the works would pass. The second part of the clause—in which it was desired to make his Amendment—provided that, "subject to the limitations herein after contained," a public roadway should be made upon the embankment and viaduct 100 feet wide up to the eastern boundary

of the Inner Temple, and not less than seventy feet wide thence to Chatham Place, with all necessary approaches. The limitations there referred to were contained in Clauses 9 and 78, the first of which was to the effect that a footway only should be made between Whitehall Stairs and Westminster Bridge. The slight alteration he proposed in the 8th clause would therefore raise the question whether the carriage-way should or should not be continued up to Westminster Bridge. He would not enter into the question of traffic, for that had already been fully discussed. The hon. Member for Westminster (Sir J. Shelley) had travelled into another blue-book besides the Report before the House, and had found another of his mare's nests. Desiring to quote Sir R. Mayne in favour of one access only, he found that he was really in favour of two. The hon. Member for the Tower Hamlets (Mr. Ayrton) had touched upon every conceivable subject save the one before the House. He had made no Motion, but everybody who lived along the line between Blackfriars and Westminster came under the lash. He did not even spare those who inhabited his own nest. There was a proverb about a dirty bird, to which he would not further allude. The hon. Member attacked the Benchers of the Inner Temple—the very nest in which he "lived, moved, and had his being." He complained that the Benchers were to have the ground that would be reclaimed between their gardens and the proposed roadway. The Duke of Buccleuch would have precisely the same advantage; and if the Duke had acted in the same manner, a great deal of unpleasant discussion would have been avoided. His hon. Friend found fault with the Benchers, and was delighted with the Duke. ["No."] With whom then was he satisfied? Nobody could tell what he aimed at, what he desired, or with whom he was content. With regard to the whole line from Blackfriars Bridge to Westminster, there was not one dissentient till they reached Whitehall. His hon. Friend the Member for Westminster (Sir John Shelley) claimed credit for a desire to advocate the interests of his constituents. But what had the hon. and gallant Member for Marlow (Colonel Knox) told them? That not one of his hon. Friend's constituents raised a voice in the Committee. What did his hon. Friend say to that? Why, that they were "settled with," or "squared with," or

something of that sort. [Sir JOHN SHELLEY: No.] Well, that they had been "settled with." That was the term his hon. Friend would use when he interfered with a public improvement. They were a perfectly happy family along the whole line from Blackfriars to Westminster, with the exception of those persons living along Whitehall. For his own part, he did not believe that the Duke of Buccleuch himself was dissatisfied. He believed that any dissatisfaction in the committee-room arose from the cross-examination conducted by his hon. Friend the Member for Westminster. If any hon. Member read the evidence, including the questions put to the Duke of Buccleuch to make him dissatisfied, he would find that the dissatisfaction arose more from his hon. Friend the Member for Westminster than from the Duke. The question before them was, whether they would or would not strike out of the clause the words which had been so much objected to. If they did so, that would be an expression of opinion on the part of that House against any alteration in the roadway—against the substitution of a pathway for a roadway at Whitehall. What was the argument which throughout those proceedings had been adduced against making a roadway there? The noble Lord (Lord Robert Cecil) thought he was reducing the argument to a *reductio ad absurdum* when he put the case of their making the road for the purpose of enabling persons in broughams and other carriages to go down to the City quicker than they otherwise could. If they were proposing to make the embankment for that purpose, there was something in the noble Lord's point; but they must remember that the embankment was to be made whether there was to be a roadway or not. They were to make it eighty feet wide; but then stepped in the provision that opposite Whitehall no one was to use it except he went on foot. With great respect for the Members who voted in the majority that carried that stipulation, he must say that never had such a conclusion been come to by any other Committee in the world. When the noble Lord (Lord R. Cecil) said that the Duke of Buccleuch offered to pay for the embankment in front of his house, he must say that his Grace was not going to do anything of the kind. The Duke had made an offer, he believed; but it was on condition that he was to have the whole

road to himself. That was his proposition; but, as there was to be a footpath, the public were to pay for it. His hon. Friend the Member for Westminster cheered the noble Lord when he talked of the coal duties being put on; but his Friend did not hesitate to sanction the taking of money from the pockets of the ratepayers to make a roadway, and then to vote that the ratepayers should not ride along the road they had paid for. He should like to ask his hon. Friend and the other six members who composed the majority on the Committee, how they would explain to their constituents that they would not only impose the coal duties, but, in addition to doing so, would throw away the money when they had raised it. [“Oh, oh!”] Yes; for they would expend it in making an embankment along which they would not allow any one who did not go on foot. Such a proposition was enough to surprise any one, and it was equally surprising to find that his hon. Friend the Member for Westminster cheered with all his heart and soul everything that was said against the interests of his constituents. The noble Lord said that the Duke was entitled to compensation. [Lord ROBERT CECIL: That the lessees were entitled to it.] Well, that the lessees were entitled to compensation. What other kind of compensation were they entitled to than that which had been given to all other persons living along the line of the embankment. The Crown would not build houses before the premises of those persons. His hon. Friend the Member for the Tower Hamlets, asked why should not they utilize the ground; and then went on to accuse them of a design to make the embankment a place where little boys would play as they did in Trafalgar Square. In fact, his hon. Friend described the most frightful state of things that it would be possible to see on the face of the earth; and said they ought to make the place beautiful. They could not build on the embankment. They could not block out the light of the persons living along the line. The arrangement that had been made with the Societies of both the Temples, and with other proprietors along the river was that the ground between their houses and the embankment should be appropriated to them, and that they were not to build on it, but to preserve it as ornamental ground. That was the arrangement made with the two learned societies. His hon. Friend said that they

could not be prevented from building on their own property; but did not his hon. Friend know that the buildings in King's Bench Walk and other portions of the Temple were already down to the water's edge. They could not be carried further. The arguments of hon. Gentlemen really destroyed one another. One said, “Nothing will go along the embankment;” but if no carriages used it, there would be no interference with the amenity of private mansions, while, if the embankment were to be used, a great public benefit would result. The instruction to the Committee having been to make a roadway along the whole embankment, he contended, that as they had deviated from that plan, the House might properly take the subject into consideration, and the Committee should not suppose that any disrespect was thereby intended towards them.

Amendment proposed, in page 7, line 33, to leave out the words “subject to the limitations hereinafter contained.”

SIR WILLIAM JOLLIFFE said, it was a mistake to put aside the traffic question, and to set up the Duke of Buccleuch instead. The Duke of Buccleuch had nothing to do with the matter; and the traffic question was the whole question. The point to be considered was, “How are you to free the traffic along Bridge Street?” If they had a road which branched off at the foot of Westminster Bridge, to accommodate the traffic between east and west, a great deal more traffic must necessarily be carried into Bridge Street than was there already, and they would therefore only aggravate the evil which they desired to cure. That was the point upon which the Committee had to decide, and which the Committee did decide by refusing to bring that traffic into an already overcrowded street, where the lives of Members of Parliament were so much risked. There was another question of great importance. One of the disadvantages of the low embankment was that it would stop all the conveyance of heavy goods to the wharves on that side of the river, so that the road traffic would be increased considerably. Mr. M'Neil, the manager of a wharf near Blackfriars Bridge, said that by thus putting a stop to the conveyance of goods by barges his firm would have to make arrangements for the carriage of all their goods by cars, instead of by the river, and the street traffic would thus be enormously increased. Such would be the case with coals, and that was one

of the considerations which guided the Committee, and which would, he hoped, be well weighed by the House.

SIR JOSEPH PAXTON said, that as the originator of the scheme and as one of the Committee who strongly advocated the embankment from Blackfriars to Westminster, he should give his cordial support to the proposal of the hon. and learned Gentleman. With regard to the remarks made by the right hon. Gentleman (Mr. Horsman) upon the constitution of the Committee of 1860, he had endeavoured, with the assistance of the First Commissioner, to make it as impartial a Committee as possible, and one that should fully represent all the interests concerned; and, remembering the character and position of men like the noble Lord (Lord J. Manners) and the right hon. Baronet (Sir J. Pakington), he thought these criticisms might have been spared. He was very sorry that it was not possible to carry the high-level embankment which had been suggested; but he was astonished that the hon. Baronet (Sir J. Shelley) and his hon. Friend (Mr. Tite) and those who before never raised an objection about delivering the traffic at right angles on to the bridges, should now have such great objections to the present proposal. All the principal plans submitted to the Committee of 1860 contemplated the crossing of all the bridges by the embankment at right angles, and that was also the case with the bridges and thoroughfares of every capital in Europe. He thought the Committee on the Bill had acted with precipitation, for as soon as the right hon. Gentleman the Member for Stroud had given his evidence, a Resolution was moved by the right hon. Gentleman (Sir W. Jolliffe), that the embankment ought to stop at Whitehall Stairs. [Sir W. JOLLIFFE: Not the embankment.] No, the roadway. The Committee affirmed that Resolution, because they were satisfied by an alternative plan of Mr. Pennethorne's. He (Sir J. Paxton), however, moved an Amendment, that as the promoters of the Bill had had no opportunity of giving evidence on Mr. Pennethorne's plan, it would be premature to conclude that the roadway ought to stop at Whitehall Stairs. That Amendment was negatived; but he believed that if Mr. Pennethorne's scheme were carried out, the embankment would be the laughing-stock of Europe. He could hardly have conceived that Mr. Pennethorne could have proposed to bring a road at so ob-

jectionable an angle into Parliament Street. What ought to be done was this—to take down the block of houses in King Street as far as the new Government offices, to widen King Street, and then by means of the embankment and a road from the Horse Guards, which would convey the traffic from Victoria Street and relieve Parliament Street, they would improve the crossing at the corner of Bridge Street, which was intolerable.

VISCOUNT PALMERSTON: Sir, having given notice of an Amendment on this subject, and as my hon. and learned Friend has stated that the present Amendment, although it relates to another clause, really involves a decision on the 9th clause, I am anxious to state the considerations by which my vote will be governed. Sir, my natural desire in dealing with the 9th clause has been to make the same Motion as that of which my hon. and learned Friend has given notice, and to move that that clause be wholly expunged. I entirely agree, that if the arrangement which this clause professed to establish were carried out, it would, in the words of my hon. Friend (Sir Joseph Paxton), really make our legislation the laughing-stock of Europe. The first objection, which was urged and debated at great length last night, was the injury that it was proposed to do to the Crown lessees. That objection is now abandoned. [An hon. MEMBER: No.] Then, if that objection is still maintained, and if the question is one between the interests of private individuals and those of the public, I shall be against sacrificing the interests of the public. But the great argument that has been used to-night is, that this road is not wanted for the sake of traffic, and that it would be an injury to the traffic to have two roads instead of one. What is desired is, that in the embankment there should be a roadway eighty feet wide to Westminster Bridge; but when you come to Whitehall Stairs, your driver is to be stopped and told, "This is a very fine road, and free from obstacles, but you cannot go any further. You must stop, because we mean to spend £300,000 or £400,000 in addition; we mean to pull down a number of houses, and make another road to deliver you into the small and inconvenient crossing through Bridge Street, which is already insufficient for the traffic." That appears to me to be the most absurd reasoning, and my first impulse was to move the

emission of that clause; but when I saw the great struggle made by private interests before the Committee, I considered that at this period of the Session there might be a risk of losing the Bill this year if we attempted the cure of this great and fundamental defect. It seemed to me, that as this clause was ingeniously prepared by the Committee, under pretence of delaying the decision of Parliament, it affirmed the permanent exclusion of the public, and that by putting in the Amendment which I contemplated, leaving the matter to the future decision of Parliament, the defect might be for the present cured, and that the Bill so passing would leave it open to Parliament to do next year what I trust and hope Parliament will do next year—namely, to throw that part of the road open between Whitehall Stairs and Westminster Bridge as well as the other. That course appeared to me to be the best, because there was no chance or possibility of that part of the road being made before next year; and therefore, if Parliament were next year to rescind the restriction, no inconvenience would be sustained by the public. That being the case, as far as I am concerned, I adhere to my proposal; and as my hon. and learned Friend has fairly stated that his object in striking out these words is to lay the foundation for afterwards striking out the 9th clause, and as my Amendment implies the maintenance of that clause, I could not consistently with my announcement vote for this Amendment, I shall vote, therefore, to retain these words.

MR. LOCKE said, it appeared, if he were to go to a division, the noble Lord on the Treasury bench would not vote with him, and that placed him in an awkward position. He did not think the course which the noble Lord was taking was the right one. What the noble Lord meant by voting for the retention of the words was that at some future time the footway was to be turned into a roadway; but why not determine to turn it into a roadway at once? Why let the Bill go up to the other House saying, "Some day or other, when it is convenient to us, this footway shall become a roadway?" He did not know that the other House would like the Bill any better with such an introduction. After due consideration, therefore, he felt it his duty to divide the House.

Question put, "That the words proposed to be left out stand part of the Clause."

*Viscount Palmerston*

The Committee divided:—Ayes 109; Noes 149: Majority 40.

Clause, as amended, agreed to.

Clause 9 (Footway only to be made between Whitehall Stairs and Westminster Bridge).

MR. LOCKE said: I move that this clause be omitted.

VISCOUNT PALMERSTON: After the decision which the Committee has just come to upon the Motion of my hon. and learned Friend, of course I do not intend to propose my Amendment. I shall not, therefore, resist the Motion to omit the clause.

Clause put and negatived.

Clauses 10 to 20 agreed to.

Clause 21 (Certain works to be first approved by the Conservators).

MR. GARNETT said, he would propose the addition of the following proviso, "Provided that, except with the previous consent of the Charing Cross Railway Company in writing under their common seal, no stairs, hard, quay, wharf, pier, or landing-place, shall be made within 200 yards of that company's steamboat pier or landing-place at Hungerford."

MR. COWPER said, he agreed with the object of the Amendment; but he thought, as it was framed, that it would interfere with the Thames Conservancy Act.

MR. GARNETT said, that under the circumstances, he would withdraw the Amendment, and renew it in an amended form upon the Report.

Clause agreed to; as were also Clauses 22 to 27.

Clause 28 (Reclaimed Land to be dedicated to Use of Public).

MR. AUGUSTUS SMITH said, he would propose, as an Amendment, the omission of words, for the purpose of ensuring that all the portions of land reclaimed from the Thames should, without exception, be dedicated to the use of the public as places of recreation or ornamental grounds.

MR. COWPER said, that the effect of the Amendment would be to prevent certain portions of the reclaimed land from being employed for building purposes in aid of the Thames Embankment Fund. The Amendment would also interfere with other arrangements made with the view of saving the coal duties from heavy charges for compensation. He thought, however, that the discussion on the subject might

be more conveniently raised on a subsequent clause.

*Amendment negative.*

*Clause agreed to;* as was also Clause 29.

Clause 30 (No House to be erected in front of the Gardens of the Inner and Middle Temple).

MR. AUGUSTUS SMITH said, he would move that the Chairman should report progress. The clause involved the question as to the appropriation of the land reclaimed from the river to public purposes, which was too important to be discussed after one in the morning.

MR. COWPER said, he hoped the hon. Gentleman would not press his Motion, as the subject matter had been amply discussed in the Committee upstairs.

Motion made, and Question put, "That the Chairman do report Progress."

The Committee divided:—Ayes 24; Noes 120: Majority 96.

MR. STANHOPE said, he should move that the Chairman should leave the Chair.

SIR GEORGE LEWIS observed, that the Motion of the hon. Gentleman, if carried, would have the effect of putting an end to the Bill.

SIR WILLIAM JOLLIFFE said, it was impossible to proceed with the Bill at so late an hour—twenty minutes past one o'clock. He thought, however, that the unopposed clauses might be agreed to.

Motion, by leave, withdrawn.

*Clause agreed to.*

Clause 31 (As to Inner and Middle Temple).

MR. AYRTON complained that the clause gave the garden, which it was provided should be made on the embankment opposite the Temple, exclusively to the Benchers. He thought the public ought to have the use of the garden, as it would be formed at the public expense.

MR. COWPER said, that on the Temple waiving their right to compensation the reclaimed ground was to be made over to them, and he thought that was a very fair arrangement. The Temple Gardens were now practically public gardens.

MR. HENNESSY said, his chambers looked upon the Temple Gardens, and he could inform the House that those grounds were crowded every night with children and others. The Benchers, in fact, were the only persons in London who gave free admission to their gardens.

Clause agreed to; as were also Clauses 32 and 33.

*House resumed.*

Committee report Progress; to sit again on Monday next.

#### POOR RELIEF (IRELAND) (No. 2) BILL.

[BILL NO. 180.] CONSIDERATION.

Order for Consideration read.

LORD NAAS said, he would move the omission in Clause 8 of the words "or otherwise," concerning which there had been so much discussion on a former occasion.

Amendment proposed, in line 30, to leave out the words "or otherwise."

Question put, "That the words 'or otherwise' stand part of the Bill."

The House divided:—Ayes 37; Noes 43: Majority 6.

Another Amendment proposed, in page 7, line 29, to leave out "ten," and insert "twenty," instead thereof.

Question proposed, "That 'ten' stand part of the Bill."

Debate arising; Motion made, and Question put, "That the Debate be now adjourned."

The House divided:—Ayes 15; Noes 65: Majority 50.

Question put, "That 'ten' stand part of the Bill."

The House divided:—Ayes 35; Noes 43: Majority 8.

Question, "That 'twenty' be there inserted," put, and agreed to.

Bill to be read 3<sup>o</sup> on Monday next.

House adjourned at a quarter before Three o'clock, till Monday next.

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HOUSE OF LORDS,  
Monday, July 7, 1862.

MINUTES.]—PUBLIC BILLS.—1<sup>a</sup> Windsor Castle (Bakehouse); Chancery Regulation (Ireland). 3<sup>a</sup> Courts of the Church of Scotland.

Royal Assent.—Unlawful Oaths (Ireland) Act Continuance; Sandhurst Vesting; Consolidated Fund (£10,000,000); Portslown Fair Discontinuance; Public-houses (Scotland) Acts Amendment.

EAST GLOUCESTERSHIRE RAILWAY  
BILL.—CONTEMPT OF THIS HOUSE.

REPORT OF SELECT COMMITTEE.

LORD PORTMAN reported from the Select Committee appointed to inquire into the Circumstances attending the Conduct of *William Isaacs*, Clerk to Mr. *Boodle*, Solicitor at Cheltenham, *John Preston*, Town Crier at Cheltenham, *Robert Sole Lingwood*, Solicitor at Cheltenham, *Charles William Maisey*, Clerk to the said *Robert Sole Lingwood*, and *William Boodle*, Solicitor at Cheltenham, with regard to the mode of obtaining signatures to the petition of *Barbara Robinson*, and others, of Cheltenham, presented on the 22nd of May last.

"That the Committee had met, and considered the Subject Matter referred to them, and had examined the said *William Isaacs*, *John Preston*, *Robert Sole Lingwood*, *Charles William Maisey*, and *William Boodle*, and report as follows:

"1. That the Conduct of the said *William Isaacs*, *John Preston*, *Robert Sole Lingwood*, *Charles William Maisey*, and *William Boodle*, in obtaining Signatures to the said Petition, does not indicate that they have been guilty of wilful Misrepresentation in respect thereof:

"2. That *William Isaacs* was not sufficiently careful in the Explanations given by him, when obtaining Signatures, of the Nature and Objects of the said Petition:

"3. That *John Preston* appears to have acted under the Belief that the Representations made by him in respect of the said Petition were correct:

"4. That *Robert Sole Lingwood* and *Charles William Maisey* his Clerk ought to have been more careful in the Instructions given to *William Isaacs* and *John Preston*, when they employed them to obtain Signatures to the said Petition:

"5. That *Robert Sole Lingwood*, as a Solicitor, would have acted more prudently if he had paid attention to the Rumours communicated to him in reference to the said Petition:

"6. That the Committee see no Reason to impute any Blame whatever to Mr. *Boodle*;

"And the Committee had directed the Minutes of Evidence taken before them to be laid before their Lordships."

Which Report being read by the Clerk ;  
*Ordered*, That the said Report and Minutes of Evidence do lie on the table, and be printed [No. 161].

POLITICAL PRISONERS (NAPLES).  
MOTION FOR PAPERS.

THE MARQUESS OF NORMANBY rose to call attention to the treatment of political prisoners at present in confinement in Naples, and to move for any information in the possession of Her Majesty's Government on the subject. It was not his

intention, upon the present occasion, to direct their Lordships' attention to the political aspect of the Italian question ; but he could not refrain from pointing out that events were occurring in Italy which seemed to confirm the opinion which he had always expressed, that the result of the present confusion could never be that Italy should remain both independent and united, and he was very much afraid that it could not even remain independent. From what had within the last few days appeared in papers of every shade of opinion, he was induced to think that it was not unlikely that the Government at Turin were at this moment maturing alliances, and taking a course which, in order to maintain the grumbling unity of the country, would sacrifice its independence, and, perhaps, compromise the peace of Europe. It was not, however, his intention that evening to discuss either territorial arrangements or forms of government, but to bring under their Lordships' notice a case of practical injustice. His object was to call attention to the state of the political prisoners who were now confined at Naples. Since he gave notice of his intention to take this course, he had received, from a source to him most unexpected, strong confirmation as to the grievous nature of the evils of which these prisoners had to complain, and as to the extraordinary number of persons who were at this moment suffering within the limits of the Neapolitan kingdom under the tyranny and oppression of those whom they regarded as invaders. Within the last few days, Signor Ricciardi, a Neapolitan deputy, of strong democratic opinions, stated in strong terms in the Parliament at Turin that he thought it his duty to call attention to the unfortunate condition of the Southern Italian Provinces. That gentleman made the startling assertion that at the present moment the prisons of Naples contained no fewer than 16,000 persons, who were confined in overcrowded cells, and suffered every kind of misery. When this statement was made in the Italian Parliament by Signor Ricciardi, it was not denied by Signor Ratazzi; but, on the following day, the Minister of Justice returned to the subject to express his conviction that the number of prisoners must have been exaggerated. Signor Ricciardi would not, however, abandon a single iota of his allegation, but repeated it in the most positive manner, adding that he derived his information from official docu-

ments. As the Minister of Justice no longer ventured to contradict it, they had a right to infer that it was true. If so, what a wretched state of things did those figures disclose, and how unanswerable was their pathetic eloquence. It was impossible to reconcile them with the existence of any system which respected the rights of the people and the liberty of the subject. And what was the popular element that could be adduced on the other side? His noble Friend the Secretary for Foreign Affairs said, on a former occasion, that the popular will, which had now found expression under a constitutional Government, was sufficient to preserve popular rights from invasion. But it was a very startling and significant fact, that out of the population of 8,000,000 which was contained on the *terra firma* of the kingdom of Naples, only 25,000 persons could be induced to vote at the parliamentary elections, only one person in 320 of the population. So that while 16,000 persons were thrown into prison for resisting what was supposed to be the will of the people, that will was expressed by only 25,000 persons. It appeared also that the prisoners were now subjected to torture, in order to extract confessions from them. Much had been said about the prisons under the late *régime*, and, no doubt, great cruelties were then perpetrated by some of the subordinate officers under the pretence of enforcing prison discipline; but at least they were free from the charge of torturing prisoners for the purpose of extorting confession. He had upon a former occasion cited a statement, which had been published in France, made by these prisoners, asserting that the practice of torture had been proved by one of its victims in the presence of Commissioners sent by the British Government to examine into these cases. His noble Friend opposite had objected to the term "Commissioners," and denied that any Commission had been sent for such a purpose. Subsequent information which he (the Marquess of Normanby) had received, had reiterated that persons saying they visited the prison with the authority of the English Ministry had heard from a Captain de Blasio the details of the cruel flagellation to which he had been subjected with scourges of *nerfs de bœuf*, for the sake of extracting from him the names of the Bourbonist Committee. These executioners never ceased to strike till he was extended

inanimate on the floor. By whatever name his noble Friend might choose to call these *soi-disant* official visitors, it was important to know whether this information had been forwarded to him. Such was probably the case, as he had heard no denial of the fact of torture in prison; but an attempt to excuse it on the supposition that perhaps some of the old *employés* of the Bourbon Government remained! When the whole of the magistracy, 1,600 in number, had been changed, notwithstanding Sir James Hudson's statement that the magistracy were irremovable, it was not very likely that the gaolers would remain the same, or that their presence could account for a practice of which they had no previous experience. It might, perhaps, be said that we had no business to meddle with the internal affairs of another country; but that remark could scarcely proceed from the noble Lord the present Prime Minister of England, who was renowned for his aggravating interference with the domestic arrangements of other States, nor from the present Chancellor of the Exchequer, whose interference with the prisons of Naples under the former state of things had been severely condemned by the editor of a Neapolitan journal who was now a deputy. He would read to the House the very words lately published by M. Petrocello della Gattina, in which that sincere revolutionist spoke rather disparagingly of the nature of the assistance he and his party had derived from Mr. Gladstone—

"It is time to have done with these *fétiches*. Poerio is a conventional invention of the Anglo-French press. When we were agitating Europe, and exciting it against the Bourbons of Naples, we wanted to personify the negation of that horrible dynasty; we wanted to present every morning to the readers of Liberal Europe a living, palpitating, visible victim, whom that ogre Ferdinand used to devour raw at every meal. For this purpose we invented Poerio. . . . The English and French press excited the appetite of that great philanthropist, Gladstone, who repaired to Naples to see with his own eyes this new sort of man in an iron mask. He saw him. He was moved, and like us he set to work to magnify the victim, in order to render the oppressor more odious. He exaggerated the punishment, in order the more to irritate public opinion, and Poerio was created from top to toe. The real Poerio has taken seriously the Poerio whom we had been fabricating for twelve years in articles at three-halfpence a line. Those also have taken him seriously, who, without knowing anything about him, had read what we related about him."

He did not believe that Signor Poerio was better or worse than his companions. He had, as had they all, the grievances of a

long imprisonment. But he the (Marquess of Normanby) had an opportunity on the spot of collecting indisputable evidence that one of the instances of cruel treatment given to the public on official authority, was the corrupt invention of a worthless informant of the British Legation. Whatever had formerly been the abuses in these prisons, it was impossible to deny that they had all been aggravated under the present system. He hoped the noble Earl the Foreign Secretary would give a careful and explicit answer; but he could not refrain from reminding the House that they had had two striking instances in the present Session of the want of information by the noble Earl in matters pertaining to Italy. He had asked a question about a particular proclamation, and the noble Earl replied that he was sure such a document could not be in existence, because Sir James Hudson had never communicated the fact to him. It turned out that such a proclamation had been issued, and a Motion for papers for other proclamations of a similar nature led to the avowal on the part of Sir James Hudson that of all these proclamations in force last year he had never said one word to the Secretary of State. These proceedings, of which the noble Earl remained in contented ignorance, had caused the telegraph from the Emperor of the French, that if the Sardinian Government went on in that way, the sympathies of Europe would be alienated from their cause. The second instance was in the matter of the press prosecutions, when the noble Earl was equally wrong in giving a denial, and founding it upon a statement of Count Cavour some time before, that the Opposition press might publish whatever they pleased, when it had since been proved that accumulated prosecutions, leading to sentences of unequalled severity, had been instituted by the Government of Count Cavour and his successors against all journals that attempted to assert the liberty of the press in that free country. The noble Marquess concluded by moving an Address for—

"Copies or Extracts of any Letters, Reports, or Information of any shape, received by the Secretary of State, as to the Treatment of Political Prisoners at present in Confinement at Naples."

**EARL RUSSELL:** I am sorry that the information which I have to give to the noble Marquess is of the most meagre kind, because I really have not received any ac-

count of the transactions to which he refers. Indeed, my noble Friend himself does not seem to have any great store of information about them, or he would not have entertained us with a reference to affairs so long past as the treatment of Baron Poerio, and the other persons whose oppression by the late Government has been so vividly described by Mr. Gladstone. He referred to Baron Poerio's imprisonment, which certainly does not seem to have much or anything to do with the treatment of political prisoners under the present Government. My noble Friend says that Baron Poerio is entirely a mythical personage—an invention of ours; all I can say to that is, that I have seen Baron Poerio as a living personage. I believe he has at all times been considered a person of great truth and respectability, and I certainly heard from him that he was ten years in prison—not, perhaps, in a dungeon underground, as some persons have stated with considerable exaggeration, but still strictly confined—so strictly that no news of what was passing externally ever reached him with the permission of the Neapolitan Government. I have also conversed with several other gentlemen, and one of them, to whom I expressed my regret that he should have been ten years confined in prison, said to me, "It is true that I have been harshly confined for ten years, but I would rather have been confined for ten years longer than that the detestable Government under which I suffered should be restored." That shows at least the sense which that gentleman entertained of the nature of the former Government. With regard to the other stories into which the noble Marquess entered, it is scarcely necessary for me to refer to them at length. If he will read Mr. Gladstone's letters again, he will find there statements to show that the former Government of Naples was as detestable a Government as ever existed on the face of the globe. For my own part, I must say, as I have said before, that I heartily rejoice in its overthrow; and I should much regret if on the face of the globe, especially in Europe, there should exist a Government so cruel and so corrupt, which introduced among its subjects such habits of falsehood and subornation, and at the same time committed against them such atrocious acts of injustice. These are my opinions. I know my noble Friend differs from them; but I do not feel, as he does, any sort of doubt that Italy will make great progress as a

*The Marquess of Normanby*

nation. I have just heard that two great Powers of Europe, Russia and Prussia, are disposed to recognise the new kingdom of Italy. That new kingdom, of which my noble Friend seems to have so poor an opinion, is therefore making its way to its recognition by all the Powers of Europe. With regard to the particular cases which my noble Friend pointed out to me, I have not that knowledge which he supposes me to have. I did not appoint any Commission, or agent, or any person to make any inquiries about them; but Mr. Bonham, our Consul General, informed me that he had sent a gentleman, in whom he had confidence, Mr. Douglas, in consequence of some complaints which Mr. Bishop had made as to his treatment in prison. Mr. Bishop complained that his person had been searched, and that he had not yet been brought to trial. Mr. Douglas was told that Mr. Bishop was treated with great consideration and lenity, not to say favour; that he had an apartment to himself, and a very convenient one. Mr. Bonham said that the only cause of complaint which Mr. Bishop had was, that he had not been brought to trial earlier. I agree that that was a very fair ground of complaint, and I have more than once told Sir James Hudson to complain officially that Her Majesty's Government considered it a hardship that Mr. Bishop, being accused of treasonable practices, should not have been brought to trial. I have heard within the last few days that the lists of the jury have been completed, or at least will have been completed, on this very day—the 7th of July—that an assassination case would be first taken, that the case of Count Christen would immediately follow, and that Mr. Bishop's trial would then commence. I will not enter into the question of the evidence which may be brought forward against this gentleman. I shall be glad if it turns out that there is no evidence to show that he was cognizant of the treasonable practices with which he was charged. I shall be very glad, too, if Count Christen cannot be found guilty of the charges brought against him. That is a matter, however, for trial, and I think it is a very wrong thing to enter into questions of evidence which may be brought against any person who may be brought to trial. With respect to certain prisoners having been tortured in prison, Mr. Bonham has not given me any information on the subject up to the present time. I sent the information which the noble Marquess gave me to

Mr. Bonham on the 26th or 27th May, and I have not yet received any answer. I certainly could not undertake to say that the Neapolitan gaolers may not have resorted to some of the means to which they have been formerly accustomed. I certainly will not undertake to say that those persons, who have been educated under the former Government of Naples, and who have been participants in all the methods of injustice practised by that Government, may not have resorted to some species of torture. We know perfectly well what kind of persons were employed by the late Government, and it would be preposterous to think that these persons would all at once become pure administrators of justice and would not, on behalf of their present masters, resort to some of those practices for which they were commended and rewarded by their former employers. Those who were employed in these prisons by the late Government of Naples knew very well what the "cap of silence" meant, and all the other instruments of torture described by Mr. Gladstone. I cannot, therefore, undertake to answer on this point. Moral improvement is always of slow growth, I believe; but I believe some improvement is taking place. Even the material improvement of the construction of railroads in the southern portion of Italy will tend to create a better system and to dispel the dark ignorance that the priestly party have encouraged with so much perseverance and success in those provinces. Mr. Bonham says, as I have already stated, that Mr. Bishop's trial will immediately take place, and therefore we shall soon learn the result. I certainly do not think that we can officially call upon the Italian Government in respect of the mode in which they conduct these trials. I do believe that if ever a revolution was justified by the misgovernment of former rulers, it was the revolution which has resulted in the establishment of the present Government. With regard to Tuscany, there was not so much ground of complaint against the old Government; but still, even there, there is great improvement; and I certainly have heard, not only from official sources, but from persons who have travelled in the country, that enterprise and activity, information, education, and I may say content, are making such progress that it is something wonderful to witness. The South has not, indeed, improved so much, nor could it be expected that could happen in a day; but still im-

provement is making progress even there. I have no objection to produce any papers which relate to the matter.

**THE EARL OF ELLENBOROUGH :** I do not share the regret expressed by the noble Earl (Earl Russell) on account of the meagre information he is able to furnish to the noble Marquess, because I think we are not entitled to inquire into the treatment of persons who are not British subjects. Diplomatic transactions are carried on according to the law of nations ; they must rest on some one uniform law ; and, no doubt, it is our interest and our duty to uphold that law, which was established for the protection of all States, the strong and the weak alike. But I think it is most desirable that we should not consider Italy in a condition of pupilage ; and if she were, we are not her censors and tutors. However desirous we all are, from one end of the country to the other, or with very few exceptions, that Italy should become a great, happy, well-governed, and powerful nation, the best thing we can do is to leave to her altogether the management of her own affairs. There will be no feeling of independence, no good Government, no free or independent line of policy in Italy till she feels she is treated as one of the great States of Europe, respected by all, and permitted to manage her affairs by herself and by the use of her own means.

**LORD BROUGHAM** entirely concurred with his noble Friend who had just addressed their Lordships ; he therefore wished to ask whether it was true, as he was rather led to expect from what had fallen from the noble Earl (Earl Russell), that Russia had acknowledged the kingdom of Italy. If so, he (Lord Brougham) heartily rejoiced in the event, which he considered to be of no small importance.

**EARL RUSSELL :** I believe it is perfectly true that Russia has declared its intention to recognise the kingdom of Italy. The Government of Russia has made a communication—though it may not yet have reached Turin—that, on certain assurances being given by the Government of Italy—which I have no doubt the Government of the King of Italy will readily give—the formal recognition of its independence will follow. I believe that Russia requires assurances to this effect—that the intentions of Italy towards its neighbours are pacific, and that the Confederation of Germany, and particularly Austria, shall not be an object of aggression on the part of Italy.

*Earl Russell*

**LORD BROUGHAM** ventured to hope that nothing would happen in Italy to throw any obstacle in the way of an event so desirable as the acknowledgment of the independence of Italy by the Powers of Europe.

**THE EARL OF HARROWBY** expressed his hearty concurrence in what had fallen from the noble Earl (the Earl of Ellenborough). If the English Government attempted to exercise a continual control over Italian affairs, we should soon have telegrams from Paris apprising us that the same course was being taken by the French Government with much more injurious effect. The noble Marquess had spoken of Baron Poerio as a myth ; but he was now alive and in as good health as could be expected, and there was no doubt that he had gone through the trials which had been referred to ; and he himself had seen the excavation in the rock of Palermo where the Baron was confined for eight or ten months before his trial without light. It was wonderful for a person who, like himself, had just come from Italy to hear the language of the noble Marquess in reference to that country. Everybody recognised the existence of the Italian Kingdom except the noble Marquess ; and he would soon be the single person left who spoke of it in such language. No one could have gone through Italy without remarking the very different spirit that now existed there compared with that which once prevailed. There was now a sense of freedom, a sense of development and progress, a looking upward, that contrasted strongly with the former despondency and downheartedness. Instead of conspiracy there was now free discussion in Parliament and the press. There was improvement moral and material in every direction. There had been a realization of the idea of Italian unity, on which no one could have calculated. He had met with persons who said, "We were the last to give up the idea of the autonomy of our own country ; but when we looked around and saw the battle-fields of France and Italy, and when we considered that we were small States in the midst of improvement ; that if we remained so, there would be no encouragement for development by improved communication, there then flashed over the land the wish to be free." No doubt some of the consequences of the former maladministration still remained. It was in the nature of despotism to corrupt ; if it were not so, it would not be the odious thing it was ; and

where it had existed the longest, the corruption had gone deepest, and was the most difficult to eradicate. It was proved by this very delay in bringing persons to trial. The magistrates, notoriously open to corrupt influences, could not be trusted to administer justice, and where they had to employ old and corrupt agents, injustice must in some cases occur. It must be to the interest of every Government to accelerate the process of improvement as much as possible, and encourage Italy to make the most rapid strides in every species of material and moral development. He wished their Lordships could have seen, as he had seen, the different spirit which now pervaded that country in comparison with its state under its former rulers. In consequence of the extension of railway and steamboat communication, a vast improvement had taken place, and North and South Italy might be considered as portions of one great and united nation. There were no longer Neapolitans, Tuscans, Piedmontese, but members of one united country—a country fit to hold up its head in the congress of nations, and regarded there as among the most powerful, and the most respected. He trusted, therefore, that the advice so wisely offered by his noble Friend (the Earl of Ellenborough) would be taken, and that henceforward Italy, having been recognised by France, Russia, and Prussia, would be treated as a great and independent nation. As to the South of Italy, a false impression had been created in the public mind as to the extent of brigandage, and it had been urged that its existence was a proof of the general dissatisfaction of the people. But what were the facts? The brigands, throughout the Neapolitan States did not exceed a thousand in number, and out of the fifteen different provinces only five were infested by them. And what sort of persons composed these brigand bands? Why, in many cases liberated galley-slaves; and he believed it was a fact that the noble Marquess's friends, the Bourbons, had not found a single officer of the old Bourbon army to command these men. No doubt there were some foreign officers among them—Belgians, Spaniards, some French, and some Irish; but when people were led away with the notion that because this brigandage existed the people of the Neapolitan States were dissatisfied with the change of Government, let them remember that there had been times when not more than 1,000 troops were left in

Naples, and the town and neighbourhood had, in fact, been left in the hands of the National Guard alone. All over the country, even in the most disturbed districts, these National Guards were enrolled, and represented, with very few exceptions, the respectable and the educated classes. What could be better evidence of the feeling of the people of Italy and of their liking for the existing Government? Having been in the country for several months past, and having met with every class of society, all said—merchants, workmen, politicians, professors, down to the very fishermen and steamboat crew—that to return to the Bourbons was an impossibility—was too horrible to be thought of; while a French prince or a republic found not much greater favour. Although there were difficulties in the establishment of a Government like that of Italy, although there might be defects of administration, and discontent at those defects, this was no more than might be expected. He believed that throughout Italy the disposition to return to the Bourbons was much less than the feeling in favour of the Stuarts which existed in this country after the Revolution; and if his noble Friend had been in the country, as he had, and had seen the present feeling of the people, he would have returned a devoted friend of the existing Government, instead of singing now the last dying song of the Bourbons.

THE MARQUESS OF NORMANBY in reply said, that he had at first been much puzzled to know from what sources his noble Friend had collected his information; but he was convinced now that his noble Friend was very little acquainted with what was going on in Italy. Only one thousand brigands in the kingdom of Naples! The British Consul had last year reported that there was only five hundred; and after twelve months' experience had he tried to persuade his noble Friend that there were now only one thousand? Had his noble Friend ever inquired how many times that number had been shot without trial? Why, was his noble Friend aware that 60,000 Piedmontese soldiers had been sent into the various provinces to suppress the state of brigandage, and that these had been so reduced by contests with the brigands, sickness, and other causes, that only 25,000 now remained? And then, as to the National Guard, was his noble Friend aware that within the last week such had been the march of discontent in that kingdom

that General La Marmora upon one occasion endeavoured to collect the National Guard, and out of 20,000 only 1,200 appeared; whereupon, counselled by this defeat, he did not on the next day repeat the attempt? Was he aware of the great financial disorder which existed, and of the great increase of taxation? His noble Friend had spoken a great deal about his personal observation of the state of Italy. It was true that his noble Friend had been in Italy, and he had not; but there were other ways of obtaining accurate notions of what was going on—namely, by communicating with well-informed people. It might be as well to read other newspapers besides the Government gazettes. It did not follow, because a person had been in Italy, and had looked out of his carriage window as he passed through the country, that he should know what was transpiring. With regard to the advice that Italy should be left to itself as well as other countries, he cordially agreed in it; but had that been the policy of the English Government during the last twelve years? Why, the English Government had been in the habit of reading sermons to the King of Naples, and of addressing him in despatches so threatening that everybody said, "If you wish to do anything, this is not the way to do it." He only wished that the advice in question had been followed by the English Government during the last twelve years. The noble Earl the Foreign Secretary had attributed the present condition of Italy to the consequences of the mis-government of the last dynasty, and he said that some of the functionaries of the late Bourbon Government had continued in office. That statement, however, had been contradicted by his noble Friend who last addressed their Lordships, and who had said that it was impossible any one of the functionaries of the old Government should have been so left to retain office under the new order of things. But, if not one of the old functionaries had been left, how could the present state of things be traced to the old Government? If his noble Friend had really been in Italy for five months, and had read any other papers than those under the special patronage of the Piedmontese Government, how was it that he had heard no charges of mal-administration and corruption made against the great functionaries? He was, indeed, surprised to hear the Secretary of State refer again to the old story of the "cap of silence," as if its application at any time

within the prisons of Sicily had not been distinctly disapproved, and deserved the ridicule attached to the elaborate charge. A woodcut of this cap had headed an article in a Ministerial paper, calling upon the electors on the day of the dissolution in 1857 to support a Government which alone prevented the use of such instruments of torture. It turned out that that engraving was a facsimile of one which had appeared in a report on English prison discipline made by French commissioners sent over by Louis Philippe. That cap of silence was invented not at Palermo, but at Manchester; and not for the purpose of suppressing Italian patriots, but for putting a check on the eloquence of such of the Lancashire witches as had the misfortune to be in prison.

THE EARL OF HARROWBY said, he did not know, nor did he believe, that the Piedmontese army in Southern Italy had suffered to the extent described by the noble Marquess in their contests with the brigands.

*Motion agreed to.*

GAME LAW AMENDMENT (No. 2) BILL.  
[BILL NO. 158.] COMMITTEE.

House in Committee (according to Order).

Clause 1 (Constables may apprehend without Warrant in certain Cases).

LORD POLWARTH moved to strike out the word "England" and to insert the words "Great Britain" thereby extending the operation of the Act to Scotland.

THE EARL OF DERBY opposed the Amendment. It was most desirable to restrict the Bill to the simple object it had in view, namely, the suppression of gangs of armed night poachers. It might endanger the Bill in the other House if it were made into a measure for increasing the stringency of the Game Laws.

THE EARL OF CLANCARTY moved after the words "Great Britain," to add the words "and Ireland," so that the Act should extend to the whole United Kingdom.

After short discussion, the Question being put to omit "England" and insert "Great Britain and Ireland,"

*Amendment agreed to.*

Clause, as amended, *agreed to.*

*The Marquess of Normanby*

THE EARL OF STRADBROKE then moved to add a clause inflicting a penalty on any person who should buy eggs of game from any person other than the owner of the soil on which the eggs are laid or a person duly licensed to sell game.

On Question, *Resolved* in the *Negative*.

The Bill then passed through the Committee, with numerous Amendments.

Report of Amendments to be received To-morrow [Bill No. 164].

#### COURTS OF THE CHURCH OF SCOTLAND

BILL—[BILL NO. 158.]

THIRD READING. BILL PASSED.

Bill read 3<sup>rd</sup> (according to Order).

THE EARL OF DALHOUSIE said, that the Bill as it stood would give the Established Church of Scotland a power of summoning witnesses which it had never before possessed; and he believed that such a measure would create a great deal of ill-feeling in that country. He therefore moved to insert after Clause 4, a clause that no person should be compelled to give evidence or produce any documents before the Courts of the Established Church of Scotland, unless he be in communion with that Church.

LORD BELHAVEN said, he could not accede to the proviso, as it was most inquisitorial.

THE MARQUESS OF BREADALBANE said, he was opposed both to the proviso and the Bill. A more impolitic measure had never been introduced. One clause provided, that if a libel were brought against a clergyman, he was to be deposited until his case was heard. This was a most unjust provision. He trusted the Bill would be thrown out in the other House.

THE DUKE OF ARGYLL supported the Bill, the necessity for which he said was demanded by the fact, that if the minister of a Scotch parish was guilty of misconduct which justified his suspension, he could not, owing to the long and tedious process which had to be gone through, be judicially silenced for perhaps two years. The Bill, however, declared that the Church Court had the power to prevent such a man discharging his functions as a clergyman pending the result of the legal inquiry.

On Question, Whether the said Clause be there inserted? *Resolved* in the *Negative*.

Bill passed, and sent to the Commons.

House adjourned at a quarter before Eight o'clock, till To-morrow, half-past Ten o'clock.

#### HOUSE OF COMMONS,

Monday, July 7, 1862.

MINUTES.]—PUBLIC BILLS.—1<sup>o</sup> Highland Roads and Bridges; Savings Banks (Ireland); Divorce Court; Indemnity. 2<sup>o</sup> Turnpike Acts Continuance; Turnpike Trusts Arrangements; Duchy of Cornwall Lands (Completion of Arrangements). 3<sup>o</sup> Poor Relief (Ireland) (No. 2).

#### JOURNEYMEN BAKERS.

QUESTION.

MR. KINNAIRD said, he would beg to ask the Secretary of State for the Home Department, When a Report may be expected from Mr. Seymour Tremenheere, who was appointed in July, 1861, a Commissioner to inquire into the complaints of the Journeymen Bakers of London; and whether it will be or is intended to extend the inquiry as promised, if required, to Scotland and Ireland?

SIR GEORGE GREY said, that Mr. Tremenheere's Report had been received by the Government on Friday last, and would be in the printers' hands immediately. The Government proposed to extend the inquiry to other places if it should be necessary; but the facts were so similar that it was probable that those interested in the matter, upon receiving the Report, would not think further inquiry necessary.

#### GOVERNMENT OF INDIA—MOSQUES AND HINDOO TEMPLES.—QUESTION.

MR. KINNAIRD said, he would beg to ask the Secretary of State for India, What has been done by the Government of India, in pursuance of Lord Stanley's Despatch of the 24th day of February, 1859, on the subject of rescinding certain Laws now in force in India which connect the Government of India with the special care of Lands belonging to Mohammedan Mosques and Hindoo Temples?

SIR CHARLES WOOD said, that no alteration had actually been made in the Laws referred to by the hon. Gentleman, though two Bills had been introduced into the Governor General's Council on the subject, one of which was under consideration.

**STEAM PACKET PIER AT HOLYHEAD.  
QUESTION.**

MR. H. A. HERBERT said, he wished to ask the Secretary to the Admiralty, When it is the intention of the Government to proceed with the works on the Steam Packet Pier at Holyhead, for which money has been voted by Parliament this Session?

LORD CLARENCE PAGET said, it was the intention of Her Majesty's Government to proceed at once with the works at Holyhead, that is to say, with the strengthening of the pier and putting the roof upon it. The Government thought it due to the passengers, both to and from Ireland, that the work should be at once taken in hand without waiting for the conclusion of the negotiations between the London and North-Western and the Dublin Steam Packet Companies. He hoped, when the pier was completed, that the packets would keep their time.

**FOREIGN PAPER.—QUESTION.**

MR. ASPINALL TURNER said, he would beg to ask the President of the Board of Trade, Whether (seeing by the Return recently made that the quantity of Foreign Paper imported is far more important than the quantity of Rags imported, or the quantity of Paper exported, both of which appear in the Returns of Trade and Navigation) he will order that in future the quantity of Foreign Paper imported shall appear in the usual monthly Returns?

MR. MILNER GIBSON said, the list of articles enumerated in the monthly Returns was revised every year, and, should the quantity of foreign paper imported continue to be as large as at present, it would be specified in the Returns. For the last few months the importation of foreign paper had been very fluctuating, being in one month only 2,000 cwt., and in another 38,000 cwt. It was difficult at present to decide whether it was of sufficient importance to take its place among the principal articles imported. But if the importation continued at its present rate,

*Mr. Kinnaird*

it would be included in the Returns in future.

**CHAPLAINCY OF THE YOUGHAL UNION.**

**QUESTION.**

MR. BUTT said, he rose to ask the Chief Secretary for Ireland, When the Returns relative to the Chaplaincy of the Youghal Union, ordered by this House on the 6th day of June, renewing a similar order of last Session, will be laid upon the table of the House?

SIR ROBERT PEEL said, the Return was a very voluminous one; but the Poor Law Commission stated that it was in course of preparation, and would be ready to be laid on the table in about a fortnight.

**LAND TENURE—INDIA.—QUESTION.**

MR. SMOLLETT said, he would beg to ask the Secretary of State for India, Whether any Resolution has recently been taken to introduce a permanent settlement of Land in India; and, if so, whether he will be prepared to lay upon the table of the House Copy of the Instructions forwarded to the Governor General for that purpose; and, if he is prepared to fix a day for introducing his annual Statement on Indian Finance?

SIR CHARLES WOOD: Sir, when the hon. Gentleman brought to my notice some time ago the question of the permanent settlement of Land in India, I was not able to give an answer on the subject, inasmuch as it was under the consideration of the Indian Council. I am now happy to state that they have come to the conclusion to which the hon. Gentleman came long before—that it would be for the benefit of India that the system of permanent settlement of Land should be gradually introduced. I shall be happy to lay on the table the papers on the subject. With reference to the second question, I hope to be able to make the Indian financial statement on Monday next.

**IRISH BUSINESS.—OBSERVATIONS.**

MR. SCULLY said, that as he saw the right hon. Baronet the Chief Secretary for Ireland in his place, he wished to ask him a question in reference to the Irish business before Parliament, and more especially with respect to the Bills which appeared on the paper for that evening. With a view to put himself in order, he would conclude by moving the adjourn-

ment of the House. The matter was a very important one, not only as regarded the convenience of the Irish Members, but also as regarded the conduct of the Irish business. He hoped that the English Members, who were anxious to get to the Thames Embankment Bill, would allow him a few moments for a matter of great interest to Ireland. He wanted to know distinctly and unequivocally from the right hon. Baronet what he intended to do with the four important Irish Bills which appeared upon the paper for that night, and which he had observed upon many papers—a fact which had brought down the Irish Members night after night to their extreme inconvenience and positive physical injury. The Bills he alluded to were the Markets and Fairs Bill, the Weights and Measures (Ireland) Bill, the Poor Relief (Ireland) (No. 2) Bill, and the County Surveyors Bill. The Markets and Fairs Bill had been constantly set down. It was originally brought on upon the 1st of May, contrary to what he conceived to have been the understanding, at a time when several Irish Members were absent, and on the day when the Great Exhibition was opened. Since then it had appeared, re-appeared, and disappeared, only to appear again. He did not complain of its being put down for that night; but what he wanted to know was, would it be brought on, or was it intended that there should be any result from it being put down? It might be great sport to the right hon. Baronet, who lived hard by, who could postpone it, and who knew at any hour of the evening whether he intended to bring it on, but who never communicated, directly or indirectly, anything that could be relied on to any one on that side of the House. It was out of courtesy to the right hon. Baronet that he took the course he was now about to adopt, and which he admitted was an unusual one. The Irish Members had remained in attendance in the House so long, night and day, that some of them had succumbed to it, and had returned to Ireland. He (Mr. Scully) had given notice of his intention to have the Markets and Fairs Bill re-committed, and it was important to know what were the *bond fide* intentions of the right hon. Baronet with respect to that Bill. He had told them frequently during the last week that it was his wish to proceed with it, and he had placed on the paper certain Amendments which he wished to intro-

duce into it. The Weights and Measures Bill was an extraordinary and mischievous attempt at legislation. It appeared by the paper that there were notices to take certain clauses out of the Markets and Fairs Bill, and insert them in the Weights and Measures Bill. [*Cries of "Order!" and "Chair!"*] He appealed to hon. Gentlemen to allow him to proceed, and he would go at once to what occurred on Friday night, or, more properly, at an early hour on Saturday morning. He was, of course, also limited in speaking of this subject by the rules of the House, and he would be the last person in the House to violate any of its rules or orders. This was the first time he had availed himself of the privileges given by those rules to make a statement of this description, and he would not do so but that the circumstances were extraordinary and unusual. [*"Order!"*] He was quite at liberty to refer to what occurred, although, as he was aware, he could not quote the precise statements made by the right hon. Baronet. The sitting of Friday was the very longest of the present Session. They had a day sitting, commencing at twelve o'clock, and by the records of the House it appeared that they sat until a quarter to three o'clock; in fact, they sat continuously twelve hours and three quarters. At half-past two o'clock in the morning attempts, and successful attempts, were made by the opposite side of the House to alter an important clause in the Poor Law Bill, which had been adopted after two or three months of discussion. That attempt was made in the absence of hon. Members who took a deep interest in the subject, and decisions were come to which could not be altered while the Bill remained in that House. At the sitting on the 29th of May, a very important question arose as to retaining the words "*or otherwise.*" A long debate took place on that occasion, and the words objected to were ordered to be retained, by 125 to 76, in a very full House for a morning sitting. That was a very emphatic expression of opinion; but, notwithstanding the decision so arrived at, it was on Friday night, or Saturday morning last, suddenly, and by surprise—although, perhaps, not to the surprise of the right hon. Baronet—reversed, after a rambling discussion of a few minutes, by a majority of six. This was a matter which concerned not merely Ireland—which was more immediately affected by the decision—but also the whole conduct of business

in the House; because, if it were to be set up as a precedent, the decision of any majority of the House might be reversed at three o'clock in the morning by a minority taking advantage of an accidental opportunity for doing mischief. The right hon. Baronet was, in his opinion, to some extent responsible for what had been done on Friday night, because he should have protested against the attempt of a minority opposite to obtain an accidental triumph. On the 20th of June, the Committee on the Poor Relief Bill passed a clause limiting the number of proxies to be held by a single individual to ten; but at daybreak on the morning of the 5th of July the minority, who had been defeated on the 20th of June, succeeded by a surprise in getting the word "ten" struck out, and "twenty" inserted instead. He submitted that this was a matter which affected the general conduct of the business of the House. It all arose, as he could show, out of the horrid mode in which the Irish business was conducted. On Tuesday last there was a morning sitting for Irish business only—the business on the paper being the Poor Relief Bill. There were other Bills for the evening sitting, including the Weights and Measures Bill, the Markets and Fairs Bill, the Births and Deaths Registration Bill, and the County Surveyors Bill. On Thursday the Poor Relief Bill and the County Surveyors Bill were again on the paper; but nothing was done with them, although the Irish Members were watching them for twelve hours and a half. On Friday, at the day sitting, the Irish Members were kept in attendance, waiting for the Drainage Bill, which was now a Government measure, because they had entered into a compromise with the hon. and gallant Member for Limerick (Colonel Dickson), and had consented to take up the Bill on consideration of the important Motion on the subject of the Irish Constabulary having been withdrawn. The Fisheries Bill was on the paper for the evening sitting, but no progress was made with either measure. There were no fewer than fifteen Government Bills, none of which, with the exception of the Poor Relief Bill, were of public advantage. There were, in addition, seventeen other Irish Bills promoted by private Members, some of which were good and some bad. The Peace Preservation Bill was a most mischievous measure of the Government. This Bill, together with the Summary

Jurisdiction Bill and the Unlawful Oaths Bill, had become law. There was, then, the Assurances Registration Bill, the Births and Deaths Registration Bill (which proposed to make policemen registrars), the Bastardy Bill, the Poor Law Officers Superannuation Bill, the County Surveyors Bill—a useless measure, the object of which seemed to be to transfer the examination of surveyors to London—the Weights and Measures Bill, the Fairs and Markets Bill, and the Poor Removal Bill. Among the seventeen Bills in the hands of private Members were the Marriages Bill of the hon. and learned Member for Belfast (Sir Hugh Cairns), the Donations and Bequests Bill of the hon. Member for Waterford—a Bill which had also been taken up by the Government—the Grand Jury Secretaries Bill, which was withdrawn; the Land Debentures Bill, which had been upset by the Chief Secretary having gone over to the Opposition side of the House, where he wished the right hon. Baronet had stopped; the Debentures on Land Bill, which was as like the Land Debentures Bill as live fish was to fish alive; the Drainage Bill, the Fisheries Bill of Mr. Hennessy, the Elections for Counties Bill, and the Bills of Exchange Bill, brought in by one of the hon. Members for the City of Dublin; the Chancery Regulation Bill, the Tralee Savings Bank Bill, the Irish Barristers Bill, and one or two others. In consequence of the necessity of attending to this mass of business, he had been obliged to give up all English business. His whole time was taken up, in fact, in endeavouring to obstruct dangerous legislation. He hoped the right hon. Baronet the Chief Secretary for Ireland would confine his attempts at legislation to the Poor Removal Bill and to the better portion of the Fairs and Markets Bill. In his opinion the right hon. Baronet was the wrong person in the wrong place. He thought he should transfer his talents to some other place, where they would be more appreciated. During the last thirty years there had been seventeen Chief Secretaries. They were all still alive, and he hoped that so far the right hon. Baronet would follow their example, and live a long time too. He, however, hoped that the noble Lord who had thrust the right hon. Baronet upon the country would remove him again. The noble Lord gave him, and perhaps the noble Lord would take him away. In that event, the right hon. Baronet would be entitled to com-

pensation for all he had gone through, and therefore he hoped he would be elevated to the rank of Baron Tamworth, or, perhaps, to the more appropriate distinction of Earl of Donnybrook. He (Mr. Scully) had attended in his place night after night, at the risk of his life. If he had not the constitution of half-a-dozen individuals, he would have had to follow the example of the hon. and learned Member for Mallow (Mr. Longfield), and obtain leave of absence for the rest of the Session. The noble Lord at the head of the Government generally made his appointments with much tact, but why he sent the right hon. Baronet to Ireland was a profound mystery. The fact was, that the Chief Secretary had set the whole country in a flame. He (Mr. Scully) dreaded the coming recess, when the right hon. Baronet would have uninterrupted possession of Ireland, and could carry on his proceedings without any Parliamentary control. Let the right hon. Baronet make himself scarce in Ireland, and he would have his (Mr. Scully's) best wishes. He could not deny that the right hon. Baronet had great natural talents; and if he turned his abilities in another direction, he would succeed better; but he was not the man to judge of the wants, wishes, and feelings of the people of Ireland. It was with regret he found himself obliged to make a statement of this nature, and he only did so on the promptings of urgent duty. He had never done so before, and he hoped he would never have to do so again. To put himself in order, he now begged to move the adjournment of the House.

SIR ROBERT PEEL said, he was already obliged to his hon. and learned Friend for his great courtesy towards him, and for the unequivocal terms in which he was good enough to refer to him in connection with his official duties during the present Session of Parliament. He (Sir Robert Peel), however, did not think that the House generally, or the other hon. Members from Ireland, would coincide in the opinion of the hon. and learned Gentleman, that he had manifested any intention of proceeding unfairly with the Irish business he had introduced. If the hon. and learned Gentleman had been kept to a late hour at night waiting for those measures to be brought on, he did not suffer that inconvenience alone. He (Sir Robert Peel) was also a sufferer in that respect, having been also compelled, night after

night, to remain until a late hour in order to advance business as far as possible. No doubt a great number of changes in the office of Irish Secretary had taken place within the last half century, and therefore if the same system were to continue his tenure of office would indeed be short. He wished he could say the same thing of the hon. and learned Member for Cork. If that were the case, the hon. and learned Gentleman's tenure of office would certainly expire at the end of the Session, and that House would not have the pleasure of seeing him in the next Session. Now, in reference to the Bills upon the Paper. The Poor Relief (Ireland) Bill, he trusted, would receive a third reading that night. The County Surveyors (Ireland) Bill was a measure of great importance, and one which was much wanted in Ireland. [MR. SCULLY: No, no!] The Fairs and Markets (Ireland) Bill, he had at one time thought would be passed this Session. It was a measure which had been much discussed, and one which would work a great deal of good in Ireland. He, however, did not now think it possible to pass it through Parliament this Session, but there were two principles contained in the Bill which he hoped would be adopted by the House in another form. Those principles were the establishment of a uniform standard of weights and measures in Ireland, and the abolition of the charges for weighing in the markets. He proposed to introduce two clauses bearing upon both points in the Weights and Measures (Ireland) Bill. The adoption of two such principles would, he thought, prove of the greatest advantage to the small farmers in Ireland as well as to all other persons interested in the matter. He therefore proposed to drop the Fairs and Markets (Ireland) Bill—a step, he confessed, he took with the greatest reluctance. He did not think it would be possible to proceed that night with the Weights and Measures (Ireland) Bill, but he hoped he would be able to proceed with the County Surveyors (Ireland) Bill after the Poor Relief (Ireland) Bill was disposed of.

Motion, by leave, *withdrawn*.

#### THE STAFFORDSHIRE MILITIA.

##### QUESTION.

MR. MAGUIRE said, he rose to ask the Secretary of State for War, Whether he has any objection to produce a Copy of the Resignation of Nicholas C. Whyte,

Surgeon of the 2nd King's Own Staffordshire Regiment of Militia, whose resignation appeared gazetted in the *London Gazette* of 20th of May last, and whose successor has been gazetted on the same date to the vacancy alleged to be created by said resignation?

SIR GEORGE LEWIS replied, that Mr. Whyte, late Assistant Surgeon in the Staffordshire Militia, was removed by the Secretary for War, upon the recommendation of the Lord Lieutenant of the county. He did not resign, but was removed from his position; and it was therefore impossible to produce his resignation. It was the duty of the Clerk of the Peace to insert notices of this description in the *Gazette*, and either through an inadvertence on the part of that officer or an error of the press, it was incorrectly stated that Mr. Whyte had resigned.

MR. MAGUIRE said, he wished to know whether the right hon. Gentleman would have any objection to produce the Correspondence relating to the removal of Mr. Whyte?

SIR GEORGE LEWIS said, that if the hon. Member would specify the documents he wanted, he should be glad to consider whether they could be laid on the table.

#### BLEACHING AND DYEING WORKS ACT AMENDMENT BILL.—QUESTION.

LORD JOHN MANNERS said, he wished to ask the President of the Board of Trade, Whether this Bill, which stood last on the Paper for that night, was a Government measure, and when he proposes to move the second reading?

MR. MILNER GIBSON said, that although he had been asked to take charge of this Bill, it was not to be regarded as a Government measure. He had been given to understand that the Bill had received the assent of all parties, and as it had already passed through the other House, he had undertaken to see that it should be duly considered. He had no objection to postpone the Motion for the second reading until Thursday next.

MR. ROEBUCK said, he wanted the right hon. Gentleman to explain what he meant by "all parties," for most assuredly the working men had not given their assent to the Bill.

MR. MILNER GIBSON said, he had been informed that the measure had received the assent of all parties concerned.

*Mr. Maguire*

#### THE THAMES EMBANKMENT.

##### QUESTION.

MR. W. WILLIAMS said, he wished to ask the First Commissioner of Works, The cause of the delay in presenting the Report of the Commissioners on the Embankment of the Surrey side of the Thames?

MR. COWPER said, he was authorized to state that the delay complained of would not be further prolonged. The Commissioners had nearly completed their Report, and expected to be able to present it very shortly.

#### THAMES EMBANKMENT BILL.

[BILL NO. 162.] COMMITTEE.

Order for Committee read.

House in Committee.

Clause 34 (Plans and Elevations of Buildings fronting River to be submitted to First Commissioner of Works).

LORD JOHN MANNERS moved that that clause be struck out. The Committee were, perhaps, aware that this Clause did not appear in the original draft of the Bill, and was only carried in the Select Committee by a majority of one. He objected to it on principle. It contained a principle utterly opposed to that which had hitherto guided Parliament in dealing with measures connected with other departments of the State. Parliament had wisely sought to establish responsibility by concentrating authority. The present clause, however, proposed to give the First Commissioner of Works power over the Metropolitan Board in relation to certain works connected with the proposed embankment. That was a species of double government or authority which Parliament had abolished in reference to the War Department, with respect to India, and in other departments. He was sorry to differ with his hon. Friend the Member for Dorsetshire (Mr. K. Seymer), who was its author, as to the merits of this clause. To say the least of it, it would establish a principle which would necessarily place the First Commissioner of Public Works, in an invidious position. The Metropolitan Board of Works, who were charged with the execution of a most gigantic undertaking, were nevertheless to be held incompetent to decide upon the colour of the seat, or the design of the drinking fountains to be placed on the line of embankment. Now, in his opinion,

the Board were much more likely to study the public taste than any gentleman filling the office of Chief Commissioner, whose interference in such matters would very probably be viewed as vexatious and inconvenient. The Metropolitan Board of Works was now intrusted with the execution of some of the largest and most important engineering works of modern times. Upon what grounds, then, should it be controlled in carrying out the embellishments of the intended embankment by the unnecessary interference of the First Commissioner. He contended that nothing had been done by the Metropolitan Board since they had been enabled by the Legislature to proceed with the most important engineering work of modern times to warrant the suspicion that in carrying out the Thames Embankment they would propose anything in the way of ornament which would necessarily subject them to the vexatious interference of the First Commissioner. It was impossible to say that they had not fully and satisfactorily discharged the great duties intrusted to them, and it was too bad to assume that they were unequal to the ornamentation, however slight, of the few miles of embankment which they were to be called upon to construct out of metropolitan funds, and for which they were to be held responsible. But the clause was not only against all principle—it was also against all experience. The veto imposed upon the Metropolitan Board in 1855 produced nothing but ill-will, jealousy, litigation, controversy, and failure; and in 1858 Parliament was obliged to abolish it, though not before it had cost the public some £12,000 or £13,000. Since its abolition the Metropolitan Board had done its work well and satisfactorily. He objected to the clause, moreover, because it was in direct antagonism with the preamble, which declared the expediency of intrusting the Metropolitan Board with the execution of the proposed embankment and all the works connected with it. The preamble, in effect, stated that it was expedient the Metropolitan Board of Works should be empowered to form a certain embankment on the Thames from Blackfriars Bridge to Westminster Bridge. Under the 35th clause a lessee was compelled, most properly, to obtain the sanction of the Metropolitan Board of Works to the plans of any building he might propose to erect. But under the joint operation of the two clauses, the 34th and the 35th, an unfortunate lessee must obtain the double

sanction, first of the Metropolitan Board of Works, and secondly of the First Commissioner of Works. One might sanction, the other might refuse, and thus there might be a conflicting authority, which might lead to confusion, delay, and expense, which might prevent the progress of the works for years. He protested against this kind of piecemeal legislation; and, however it might have been some years ago, he thought there was nothing in the present circumstances of the metropolis to justify the House of Commons in frittering away responsibility or in imposing a vexatious restraint on the fair action of the Metropolitan Board of Works, whose members, whether elected by the best constituency or not, were the legitimate representatives of the taxpayers of the metropolis, who were carrying out and paying for a great metropolitan improvement. He begged to move the omission of that clause.

LORD FERMOY entirely concurred in what had been stated by the noble Lord opposite. He could not be a party to this clause, either in the sense of passing an indirect censure upon the Metropolitan Board of Works, or for more substantial reasons. The works were to be carried on by funds supplied by the coal and wine duties. If the land reclaimed from the river were saddled by too many conditions, its value would be proportionately reduced, because persons proposing to become lessees would take this into account, and offer a smaller sum. He congratulated the noble Lord opposite on his able and fair vindication of the character of the Metropolitan Board of Works as a representative body, and he hoped that the First Commissioner of Works would get up in his place and inform the Committee that in his opinion the matter might be safely left in the hands of the body which had so far successfully carried out the stupendous works connected with the drainage of the metropolis, and with so little unpopularity among those who had to defray the expense.

MR. KER SEYMER begged permission to clear the First Commissioner from all participation in the introduction of this clause. When the Bill was referred to the Select Committee, he (Mr. Ker Seymer) went carefully over it, and arrived at the conclusion that some such clause was necessary. He therefore proposed it for the adoption of the Committee; and though he was sorry to be opposed by one who

spoke on these matters with the authority of the noble Lord, he had not been convinced by his arguments, and should therefore now take the sense of the Committee on its retention. He must add, however, that when he first introduced the clause, it was with no wish to disparage the character or the usefulness of the Metropolitan Board of Works, or to interfere vexatiously with their functions. He thought that this was an exceptional case, quite unusual, quite different, and quite distinct from the operations which generally fell under the control of that body. There were three objects in view—namely, a proper place for the low-level sewer, improved communication, and the ornamentation of the metropolis. The first two objects fell legitimately within the control of the Metropolitan Board of Works; the last should, he thought, be brought under the control of the Government and the House. He did not think that the Metropolitan Board had any cause to complain, seeing that the works were not, in fact, to be completed from funds raised from the ratepayers, but from the funds provided by the coal and wine duties. Every man, therefore, who ordered his wine of a London wine merchant contributed in some degree to the fund. He thought the men of taste were dangerous; but there was a class still more dangerous, and that was the men of no taste. He thought the men of no taste quite as expensive as the men of taste, and more dangerous. He therefore trusted that the clause would be assented to by the Committee.

SIR JOHN SHELLEY said, this was almost the only point upon which he had ventured to differ from his hon. Friend (Mr. K. Seymer) in the Committee. With regard to the absence of any opposition to the clause in the Committee by the counsel for the Metropolitan Board of Works, it arose from the feeling, that as the First Commissioner of Works was Chairman of the Committee, it was rather a delicate thing to oppose his having the veto given him by the clause. For his own part, he regretted that the clause was not opposed by the counsel for the Board, because, had it been, he believed the clause would never have received their sanction. He thanked the noble Lord opposite (Lord J. Manners) for the manner in which he had brought the question forward. It came much better from his noble Friend than from any metropolitan Mem-

ber. With respect to this question, the House of Commons had year after year decided that it would not contribute anything towards the improvement of the metropolis out of the Consolidated Fund: the works were therefore to be constructed by funds raised upon the metropolis by the wine and coal duties; and though it might be true that every one who ordered wine from a London wine merchant did to that extent contribute, yet the wine duties formed a very small portion indeed. The great bulk of the fund was raised by the coal dues, and was therefore directly contributed by the inhabitants of the metropolis represented by the Metropolitan Board of Works. Besides this argument for giving that Board full and final control over the works, he (Sir J. Shelley) objected to giving a veto to the First Commissioner, for the reason that Governments in this country were not very long-lived, and each First Commissioner would have his own taste in architecture; so that they would be able by the difference in style to tell when an admirer of the Gothic style was in office, and when an advocate of the Italian exercised the veto. He trusted that the House would support the Amendment of the noble Lord. He would put it to the Members for any large city or borough, such as Liverpool, Manchester, or Birmingham, how they would like such a proposal as that contained in this clause—namely, to give the First Commissioner of Works control over any local improvements made from local funds.

LORD ROBERT CECIL said, he entertained no very high opinion either of the Board of Works or of the Metropolitan Board so far as related to questions of economy or taste. The proposal under discussion was, he might add, simply one to saddle the citizens of London with the payment of a certain amount of money which the right hon. Gentleman the First Commissioner was to be at liberty to spend—a proposal to which, as one who lived principally in the metropolis, he for one decidedly objected. It was, in his opinion, quite an alarming power with which to invest the right hon. Gentleman at the expense of the coal-consumers of this large city, to say that he should be able to put his veto on works of utility merely because they did not suit his own particular architectural views. What, he should like to know, would the hon. Members for Manchester or Birmingham think of such a scheme if it were proposed to give it effect

in the case of their constituents? For his own part, he must confess that after the speeches which he had heard that evening his distrust in "men of taste" was greater than ever, inasmuch as it was gravely contended that the question before the Committee was not to be regarded as one of money. He knew how terribly the London poor suffered in winter from the want of coal, the price of which was greatly enhanced to them by this duty. During the last winter the poor were paying at the rate of 35s. per ton for coal, when the highest price in the market was 24s.; and he could not therefore agree to inflict a burden on every poor man's hearth in order to enable a First Commissioner of Works to indulge in his architectural caprices.

MR. COWPER thought the noble Lord's anxious appeal on behalf of economy was particularly misplaced, inasmuch as that question was not in any degree involved in this clause. He did not himself propose the clause, but he listened most attentively to the debate in Select Committee upon it, and he felt that the arguments of the hon. Member for Dorsetshire were conclusive for inserting the clause in the Bill. The object of the clause was to secure some unity of design and harmonious arrangement in the buildings that were hereafter to face the Thames. Those who compared London with the more splendid Continental capitals would see that the great defect of our streets—especially of our older streets—was that they were not built on any general plan, but were left to the individual caprice of the owners of separate houses. A small house, for example, was found standing between two very tall ones, or a stuccoed house between two brick ones. They were not in a style which any variety could render picturesque, and their irregularities prevented the broad architectural effect which plain houses might produce when symmetrically arranged on a general plan. This clause was intended to remedy that defect, and would not make buildings any more expensive. The embankment, which was to be 100 feet wide, would be one of the great features of London. On the one side of the proposed quay would lie the river which was the pride of England, and on the other there would be a considerable extent of ornamental ground, and in some parts rows of houses, in terraces or streets. He thought it essential to the general architectural effect that those houses should be erected on some

harmonious plan, and should not be left to the fancies of individuals. The noble Lord had spoken as if the First Commissioner of Works would have the power of preparing the plans for these houses. That was not so; the clause simply directed that the plans and elevations should be sent to him, and he would have the power of vetoing them within a month. He did not think the individual opinion of any First Commissioner of Works would be paramount in the matter, for they had daily experience of the fact that that Minister was responsible to that House in regard to such proceedings. Practically, therefore, this veto would be given to that House. The First Commissioner of Works would take the advice of competent architects, and the mere fact of the existence of the veto would probably insure that the whole block of houses should be erected on some general plan. The noble Lord seemed to forget that one great advantage of our constitutional system was, that it left no power or authority in the country without a check. Municipal corporations could not raise a loan without the sanction of the Treasury; and he did not think it would be any disparagement of the Metropolitan Board of Works that it should be subject to this veto. If he were to study his own individual convenience as First Commissioner of Works, he should be inclined to follow the *laissez faire* policy of the noble Lord (Lord John Manners), who in 1858 surrendered the control which the law then gave him over the main drainage of the metropolis. It was certainly no agreeable or pleasant thing for a person who filled the office of First Commissioner to be intrusted with any power or duty which was likely to bring him in collision with any Members who represented the metropolis. If he thought that such a power would bring him in direct collision with the hon. Members for Westminster and the Tower Hamlets, who were always ready to oppose and obstruct any scheme introduced by the Government for the benefit and improvement of the metropolis, he certainly would not for a moment desire to possess that power, and especially when he remembered how during the last few days the hon. Member for Westminster (Sir J. Shelley) had seized upon every careless word or trifling act of his in order to found upon it some accusation against him. He utterly disregarded, of course, all attacks made upon him in the discharge of his public duty; and in supporting this clause,

as First Commissioner, he did so because he believed it would be beneficial to the metropolis. Its only object, he repeated, was to secure a better architectural effect to what he believed would be the grandest and most magnificent thoroughfare in London. When the noble Lord (Lord R. Cecil) spoke about the chance of the coal tax being increased, he would remind him that the tax was already granted for ten years, and that the only question to be determined was how the money should be disposed of. If the money were not spent on this improvement, it would be on others; but he thought that it could not be better expended than in the way proposed.

MR. CRAWFORD had listened with regret to the right hon. Gentleman's attempt to reintroduce personalities which by this time he had hoped might have been buried and forgotten, and which were unworthy of the right hon. Gentleman's position. He (Mr. Crawford) had voted against the hon. Member (Mr. Ker Seymer) in Committee, and he had since heard nothing to induce him to alter his opinion; on the contrary, he had heard a great deal in the speech of the First Commissioner of Works to induce him to vote for the Amendment of the noble Lord (Lord John Manners). The clause proposed that no ground plan or elevation of the buildings to be erected should be adopted which had not for one month previous been submitted for the approval of the First Commissioner of Works. The clause did not say what was to be done if the First Commissioner disapproved of the plan; and he believed, that even if no disapproval were communicated to the parties proposing to construct these buildings, they would incur a certain amount of risk if they proceeded to build after the month had expired. The clause, too, he apprehended, would have a continuous operation; so that, for all time to come, whether these buildings remained as frontages or not, no person owning land on the ground so reclaimed would have the power to build without the approval of the First Commissioner of Works. It was even proposed in Committee to give the First Commissioner the same power in regard to the new street in the City of London; so that no one would have been able to build a new shop or warehouse in the new street without coming to the First Commissioner for his consent. Fortunately, that proviso had been abandoned in the Committee. They were told that this was a national ques-

tion, and that the nation took a pride in the beauty and magnificence of the metropolis. If so, let the nation contribute towards the expense, instead of calling upon the consumers of coal to pay the entire cost of this national object. He should give his hearty support to the Amendment of the noble Lord.

MR. HARVEY LEWIS said, he should oppose the clause, believing that it would entail a very serious expense for all time on parties desirous of building on the river frontage; and he thought the noble Lord (Lord John Manners) deserved the gratitude of the metropolis for the course which he had taken in proposing the omission of the clause.

LORD HARRY VANE said, he should support the clause, for he thought the reasons assigned in Committee by the hon. Member for Dorsetshire (Mr. Ker Seymer) and the right hon. Gentleman the First Commissioner perfectly satisfactory. The clause was, in the first instance, submitted to the counsel who watched the case on the part of the Metropolitan Board in the Select Committee, and they did not object to it, but left the matter entirely in the hands of the Committee. He should be sorry to diminish the power of local self-government by removing from the Metropolitan Board any duty that properly belonged to them; but the present case was one of an exceptional character, and it would be a thousand pities if the opportunity should be lost of rendering the embankment an ornament to the metropolis, and preventing the frontage of the river being destroyed and disgraced by some monstrous erection or other. The clause could not be productive of any greatly-increased expense, because the greater portion of the reclaimed land would be appropriated to public purposes, and would not be built upon.

SIR WILLIAM JOLLIFFE thought this was a most unconstitutional clause, for it gave a power to a Government Department which had never been delegated by the House on any previous occasion. He could not give his assent to the views which had been expressed by the right hon. Gentleman the Chief Commissioner of Works on what the right hon. Gentleman called the architectural beauties of the plan. Questions would be constantly asked in the House about the shape of every chimney that might be built if the First Commissioner were

to be made the arbiter. He hoped the Committee would reject the clause.

MR. TITE said, the Metropolitan Board had not regarded the clause as one implying any reflection on them, but simply as a matter of business. They thought the arrangement which it would sanction a very undesirable one, but they were advised not to oppose it. His own opinion was, that the less interference with the free action of individual speculators, the better for obtaining the full value of the land ; but, speaking from an architectural point of view, he thought the double responsibility the best. The Corporation of London, after clearing the approaches to London Bridge, put themselves into the hands of Sir Robert Smirke ; but the consequence was, that in the buildings which were subsequently erected there was too great sameness. They afterwards change their plan, allowing each person to whom the land was parcelled out to choose his own architect, but reserving to themselves a veto, and the result was that fine specimen of street architecture that was to be seen in Cannon Street. In the new street in the Borough the Metropolitan Board of Works were following precisely the same plan. Here, however, was to be a double control, which experience should have taught them to regard with jealousy. However, he should leave the question in the hands of the Committee.

VISCOUNT PALMERSTON: This question does not appear to me very important, nor one in which the Government takes a great interest. If there is any one interested in its decision, it is my right hon. Friend the First Commissioner of the Board of Works, who I think, would naturally incline to repudiate the responsibility which the clause would throw upon him. It is, however, a question of public interest that there should be some controlling authority, in order to secure uniformity of design in a block of buildings to be placed in so conspicuous a position as the new embankment would be. We have seen the advantage of this in the Regent's Park. Many people may not approve the different styles of architecture to be seen there ; that is a matter of taste. Some of it is Gothic, some Grecian, and some neither Gothic nor Grecian ; but still those blocks of building are to some extent uniform, and produce a good effect. It was really an original thought of Mr. Nash, and very creditable to him, to combine a number of separate private dwellings into

one great mass, and to make them look like one great palace. I think, therefore, there should be some controlling authority to secure that the buildings upon this terrace should not be one high and one low, but that they should be of some uniformity of character. It seems to me that this clause would secure unity of plan and consistency of purpose. The Metropolitan Board of Works, in letting the ground, would probably require some security for uniformity of design ; but they might omit to do so, and this clause just interposes the veto of the First Commissioner for the time being, in order to insure that the mass of buildings should be of a certain uniform plan, so as to contribute to the general good effect. I think, therefore, that the Committee would do well to retain the clause.

LORD JOHN MANNERS said, the noble Lord wanted to secure unity of design and consistency of purpose. Some Gentlemen might consider unity of design good, and others bad ; but, whether good or bad, they were more likely to get it if they permitted one board, which was to commence and carry out the work, to decide, than if they permitted a fluctuating officer, such as the First Commissioner of Works, who was here to-day and away to-morrow, to interfere. They all knew the differences of taste in different Commissioners of Works, and yet the noble Lord would look for uniformity of design in leaving the decision to such officials. The buildings in the Regent's Park were not erected by a great municipal corporation, who were to be interfered with at every turn by the executive Government of the day, but by one Government Department, who had nobody to interfere with it. They called in one of the great architects of the day, and the great scheme of building was carried into effect. If, therefore, the Committee desired uniformity of plan, let them reject the clause and leave the responsibility to the Metropolitan Board.

Question put, "That the Clause stand part of the Bill."

The Committee divided :—Ayes 162 ; Noes 145 : Majority 17.

Clause agreed to.

Clause 35 (Board may grant Building Leases of Ground not wanted for purposes of this Act).

MR. AUGUSTUS SMITH said, this clause was objectionable, inasmuch as there was no limit placed in reference to the

buildings to be erected upon the reclaimed land, and he thought the Metropolitan Board of Works should have power in all cases to interfere. With that view he would move an addition to the clause of the words, "nor on such part of the reclaimed land as shall be within 200 feet of the embankment wall." He was afraid that Somerset House, Waterloo Bridge, and other structures would be greatly altered in their general appearance by the proposed embankment along this majestic river, unless this restrictive power were given to the Metropolitan Board of Works. He wished to know how the embankment was to be laid out, and whether the landing-places and stairs were to be arranged without interfering with the navigation and the general plan of the embankment.

MR. COWPER said, it was desirable that all the land which was available for the recreation of the public along the embankment should be dedicated to that purpose. Clause 28 made a provision with that view in regard to the space between Cecil Street and Northumberland Street; but he did not think the land east of Cecil Street could with advantage be so appropriated. Where the reclaimed land amounted only to a narrow strip, the space must be devoted to building purposes: his hon. Friend's Amendment would prevent that. The Thames Conservancy Board were invested with authority to construct and improve all the landing-places and stairs on the river, and the plan which he believed would be adopted in front of the embankment would be floating stages, which rise and fall with the flow of the tide.

MR. AUGUSTUS SMITH complained of the constant encroachments that had been made upon the bed of the river; and they were now about to take steps which would have the effect of further contracting its width by one-third. He doubted whether the right hon. Gentleman was aware of the extent to which the navigation would be impeded by this plan. He wished to know whether at low water the river would come to the base of the embankment?

SIR JOSEPH PAXTON replied, that though the water would come up to the embankment, the landing-stages would have to be carried out some distance before vessels could come alongside at low water.

COLONEL KNOX said, that the Commit-

*Mr. Augustus Smith*

tee were informed that, even at low water, the bed of the river would be covered up to the embankment.

Amendment, by leave, withdrawn.  
Clause agreed to.

Clauses 36 to 41 also agreed to.

Clause 42 (Prohibition against Use of Locomotives along the Streets).

SIR WILLIAM JOLLIFFE objected to the clause as unnecessary and inexpedient. Why should they prohibit the use of the greatest improvement of the age—steam—on this new roadway? Why they should be specially excepted he could not understand, and it seemed to him retrograde legislation. He begged therefore to move that the clause be expunged.

SIR JOSEPH PAXTON thought it absurd to make an exception as regarded this embankment. If they had a general law for the metropolis prohibiting steam locomotives to use the common roads, well and good.

SIR JOHN SHELLEY thought it was very dangerous to allow locomotives to move along in crowded streets, and advocated the maintenance of the clause.

SIR GEORGE LEWIS observed, there was now a general measure applicable to all towns as to those engines, the Home Secretary having power to prohibit steam locomotives travelling particular streets. He thought it best not to disturb the general law, but to leave it applicable to this as to other roads, the Secretary of State having power to interfere if the public safety required it.

Clause struck out.

Clauses 43 to 45 were agreed to.

Clause 46 (Appropriation of Thames Embankment and Metropolis Improvement Fund).

MR. AYRTON asked for some explanation as to the amount of the funds which were available for the purposes of this Bill and the charges upon it.

MR. COWPER replied, that the funds available were derived from the surplus of the London Bridge Approaches Fund, the amount of which was not ascertained. To carry out the construction of the embankment about £1,000,000 would be required from the coal and other duties, and these would probably furnish a surplus of £500,000 more than would be requisite. All the funds were paid to the Treasury, and must be transferred.

red by their authority to the Board of Works.

MR. AYRTON thought they should have a more detailed explanation. First the fund was to be liable for the charges upon the London Bridge approaches fund. Next, payment was to be provided from the same source of all costs of obtaining the Act. How was this to be considered? Was the fund to be debited with the charges incurred by the right hon. Gentleman's department in connection with the Act. He understood that the right hon. Gentleman had not employed the officers of his department in preparing the Act, but two firms of solicitors, Messrs. Baxter, Rose, and Norton, and Messrs. Marchant and Pead, of Hertford. Were both those firms to be paid out of this fund; and, if so, was the Department to be paid out of it also for the assistance they had rendered? In the next clause reference was made to so much of the Thames embankment fund as might remain after deducting those charges. What was that sum? He thought they ought to have in such a case a detailed statement of the fund, and of the charges upon it.

MR. COWPER said, he had not thought it necessary to make a statement, because he was not asking the House to vote the money. The clause simply stated how the funds in the hands of the Treasury by the Act of last year were to be appropriated. Mr. Scott, the Chamberlain of the City of London, had been examined before the Committee, and gave such details as they required, and the hon. Gentleman would find in his evidence all the information he asked for. The Committee considered the question of the amounts provided and to be expended; but this clause did not refer to those details. With regard to the general object of the clause:—First the expenses incidental to the obtaining of the Act were, as usual in such a case, to be paid. The hon. Member could not, he thought, have read the evidence given before the Committee, or he would have seen that he was entirely mistaken in supposing that two sets of solicitors had been employed. The persons employed were the solicitors and the Parliamentary agents; and when the hon. Gentleman said that a solicitor had come from Hertford to act as Parliamentary agent, he begged to inform him that the firm in question had been Parliamentary agents for several years. He had known them as highly respectable Parliamentary

agents for a number of years, and had been in communication with them in connection with Bills for railways and for the river Lea. One of the members of that firm was born and bred at Hertford; the other was not resident at Hertford. Did the hon. Gentleman mean to say that because one member of a firm of Parliamentary agents happened to be connected with the borough he represented, he should be debarred from employing the services of that firm? He could only presume that the hon. Gentleman meant to have a malicious hit at him because one of the Parliamentary agents employed for the Bill was connected with the borough he had the honour to represent. Any member of the Select Committee would bear him out in stating that Messrs. Marchant and Pead (the Parliamentary agents referred to) had discharged their duties satisfactorily and efficiently. With respect to the clause under discussion, it only gave authority to the Treasury to pay the Thames Embankment and Metropolitan Improvement fund to the Metropolitan Board of Works. It was beside the question to consider what these sums were. The important point was, that whatever they might be, they should be paid by the Treasury to the board.

MR. AYRTON said, the right hon. Gentleman afforded so much amusement to the House of his own accord that it was unnecessary for him to interfere with a view of keeping up the entertainment. But he must contradict the right hon. Gentleman on a matter of fact, inasmuch as the *Law List*, the accepted authority on such points, stated that Messrs. Marchant and Pead were in partnership as attorneys at Hertford. [Mr. COWPER: It does not so appear upon the evidence.] He was aware of that. There was some equivocation on this point in the evidence. Those gentlemen might also practise as Parliamentary agents in London. No doubt the right hon. Gentleman had had relations with them before, and might have had good grounds, in his own opinion, for selecting them again on this occasion. All he wanted to know was whether the ratepayers would be saddled with anything more than the charges of these two sets of professional men. Messrs. Baxter, Rose, and Norton, were certainly Parliamentary agents of great skill, as many hon. Members on the Liberal side of the House, who had, unfortunately, lost their seats through the exertions of those gentlemen, knew to

their cost. And, no doubt, if the right hon. Gentleman had thought his scheme could not stand on its own merits, and had been anxious to smooth away difficulties, he could not have done a cleverer thing than to employ that well-known Conservative firm in this case. Such a choice, however, implied a reflection on the competency of the Liberal Parliamentary agents. The right hon. Gentleman had—unintentionally he was sure—made an equivocation about this clause which he would doubtless retract. He had said that it was a clause not imposing but only appropriating taxation; but he forgot, that if he appropriated this fund to the Thames Embankment, taxes must be imposed for other purposes which were equally necessary. By disposing of the proceeds of a tax the clause was therefore, though indirectly, a taxing clause. This was the first time the House had been asked to appropriate a tax in such loose language, and he trusted the right hon. Gentleman would show them what were the items to which the clause referred.

COLONEL KNOX said, he thought the hon. Member for the Tower Hamlets could not have read the Select Committee's Report, or he would not have made the observations he had done. The City Chamberlain's evidence afforded the information which the hon. Gentleman sought.

MR. W. WILLIAMS drew attention to the question of the cost of the lower main sewer. He had not observed any provision in this Bill that the cost was to be defrayed out of the £3,000,000 to be borrowed for the purpose of making the sewers generally; and he thought that if it formed part of the works of the new embankment, it would be most unjust if it were to be paid out of the tax upon coal and wine.

LORD HARRY VANE : It is not to be so paid for.

SIR JOHN SHELLEY said, he was glad they had, at last, come to the important question of expense, which had hitherto been overlooked in these discussions. At present they knew no more as to what would be the expense of the proposed embankment than what they were told by the Committee, which was, that after several items of expense had been cut off, it would cost £500,000. Now, according to the evidence of the City Chamberlain, it was clear, that if they had taken the estimates offered in introducing this Bill, they would have found them-

selves landed in an immense deficit after the works were completed. He had little confidence in the economical propensities of the First Commissioner of Works, remembering, as he did, how that right hon. Gentleman at the beginning of this Session, having £30,000 of this fund in hand, had proposed to make a road with it across Kensington Gardens. Mr. Scott, the City Chamberlain, had stated his belief, that if properly managed and invested at  $4\frac{1}{2}$  per cent—a pretty high rate of interest—the fund which was to be set apart to defray the cost of the embankment, would reach nearly £1,600,000 at the end of ten years. Now, even supposing that nothing was taken from it in the meanwhile, he thought the Board would have considerable difficulty in raising the £1,000,000 they were empowered to borrow. Now, he had been given to understand a few days ago, and he wished to inquire into the truth of the report, that the money paid by the City Chamberlain to the Treasury, amounting to a large sum, was lying idle at the Bank of England. The solicitor to the Office of Works (Mr. Gardiner) was a very able and excellent officer, and had had a great deal to do in originating the Bills of the office. Mr. Gardiner received a salary of £1,500 a year, and he could not understand why Messrs. Baxter, Rose, and Norton had been employed as solicitors to the Bill. When the Committee first commenced their inquiry, the Metropolitan Board of Works appeared, by solicitors and counsel, as opponents, and it was only when the clause was passed which gave to the Board the execution of the works that they became co-promoters. They were to be paid their expenses out of the fund; and he wished to know whether that meant that they would be paid the expenses of their opposition. Messrs. Marchant and Pead, Messrs. Smith, and Messrs. Baxter, Rose, and Norton were all to be paid; and whether he was personal or not, he was bound to do his duty by calling attention to the fact. He should like to hear that it was an error to suppose that the receipts from the coal and wine duties had been lying in the Bank without interest, instead of fructifying for the benefit of the fund.

MR. COWPER said, with respect to the last point it was not within his cognizance. The Treasury had been intrusted by law with the fund, and he was not acquainted with what had been done with regard to it. The hon. Baronet must put his ques-

tion to some Member of the Treasury. But with regard to the amount of the fund, it was in evidence that at the end of June there would be £260,000 in hand, and that the present value of it exceeded £1,500,000. This clause was to enable the Treasury, after paying all the charges, to transfer the surplus to the Metropolitan Board. As to the first item of charge, it was not correctly known. As to the second, it was impossible to tell what would be the expenses of the Act until it had passed. It certainly would not have been a smaller sum if he had employed the solicitor of the Office of Works instead of Messrs. Baxter. The serving of notices and the other business connected with this Bill could not be done by the present strength of the Office of Works. In order that he might be enabled to discharge those duties, it would have been necessary for the solicitor of the Office of Works to increase his staff considerably, and to incur a much larger expense than the payment which he had hitherto received. Without neglecting his other business it would be impossible for him to execute the business in connection with this Bill. In an important measure of this kind, and in the face of such an opposition as it had to contend with, it appeared to him (Mr. Cowper) the wisest course to employ Messrs. Baxter, Rose, and Norton, those gentlemen being specially practised in this branch of business. He need scarcely say that he had not selected them on account of their politics—a subject which had never crossed his mind at the time. The main reason which influenced him in selecting this firm was, that they had last year been employed in serving notices over the same extent of land in connection with a proposed embankment between Westminster and Blackfriars Bridges, and had therefore in their office all the information required. With regard to the Parliamentary agents, Messrs. Marchant and Pead, did not act as solicitors, and he observed in the last page of the evidence a statement that those gentlemen had done nothing as solicitors. The gentleman who appeared in the *Law List* as a solicitor was the son of Mr. Marchant, and he had engaged the father, who was a Parliamentary agent, to do the business of a Parliamentary agent. The payment of the expenses of the Metropolitan Board had been decided upon by the Committee, and he knew of no valid ground of objection.

The petition of the Metropolitan Board, if in form against the Bill, was not hostile to the Bill; and having received the greatest support from that Board, he saw no reason why their expenses should not be paid out of this fund rather than out of a fund which had no relation whatever to the Thames Embankment.

MR. AYRTON said, that the right hon. Gentleman had not answered his questions. What he wanted to know was, whether private solicitors having been employed, the Department would have to pay its own solicitors as well, and next what was the meaning of the references to the London Bridge Approaches Fund?

MR. COWPER said, that as the solicitor to the Board of Works was paid by salary, he would receive nothing with regard to this Bill. As to the second question, the Act of last year provided that any surplus existing from the London Bridge Approaches Fund should be paid to the Treasury and become part of the Thames Embankment Fund. What that surplus was had not yet been decided, some items being disputed; but the Committee was quite safe in enacting, that when the Treasury should decide what the surplus was, it should be added to the Thames Embankment Fund.

In answer to Mr. W. WILLIAMS,

MR. COWPER said, that the expense of the low-level sewer was kept quite distinct from those of the embankment, and would not come out of the coal duties. The expense would be defrayed out of the main drainage rate.

MR. DARBY GRIFFITH remarked that the right hon. Gentleman the First Commissioner of Works had fallen into the hands of the most expensive Parliamentary agents in London, as he knew Messrs. Rose, Baxter, and Norton had charged for lithographed circulars as if they were manuscript. He had tested these charges by litigation leading to a reference to arbitration, and the result was a curtailment of their charges. The noble Lord at the head of the Government had bribed a Member out of his seat. [“Order!”] Well, what was he to say? The noble Lord, with that tact which distinguished all he did, offered an inducement to an hon. Member which resulted in his vacating his seat, and finding an opportunity for bestowing the seat on an official of his own Government. He had intended to put a question to the noble Viscount on the point; and only let him off for one reason,

and that was, that having understood the salary of the selected person to be £2,000, it came out that it was only £1,200, and he thought it hardly desirable to disturb the repose of the noble Viscount for such a trifle.

MR. COWPER, in reference to the expenses, remarked, that there was an understanding between the parties concerned that the bill of costs should be taxed by an officer of the House.

SIR JOHN SHELLEY said, Messrs. Marchant and Pead, who appeared before the Committee as agents for the Bill, according to the *Law List*, were solicitors at Hertford.

*Clause agreed to.*

Clauses 47 to 54, inclusive, were also agreed to.

Clause 55 (as to Street between Whitehall Place and Wellington Street).

SIR JOHN SHELLEY said, that this clause had reference to the street between Whitehall Place and Wellington Street. He wished it to be understood that there was a strong feeling in the Committee that the street was a downright mistake, and that its creation would give rise to endless claims for compensation. The evidence before them was, that the street ran in a wrong direction, and he hoped the matter would be discussed in another place.

MR. COWPER could not agree that the Committee considered the street a mistake. If the matter had been discussed, he thought the reasons in favour of it would have satisfied the Committee that they would have been quite right in passing it.

*Clause agreed to;* as were also Clauses 56 to 71, inclusive.

Clause 72 (Disposal of Reclaimed Land in which Crown interested).

SIR JOHN SHELLEY said, this clause and Clause 77 would enable the Crown to lease the land reclaimed from the foreshores, and charge its tenants what it thought fit. The foreshores were at present useless, but the metropolitan rate-payers were going to render them of great value; and inasmuch as all persons, from the highest in rank to the lowest wharfinger, had been called upon to make sacrifices in order to carry out this great improvement, he thought the Crown, instead of taking the utilized land for its own advantage, should join in making a sacrifice for the common good. He had expressed this opinion several times, and had divided the Committee, although always in a

small minority, and on one occasion in a minority of one.

MR. AYRTON said, he thought the metropolis had great reason to complain of the Treasury, which had declared it would not, directly, contribute anything towards the embankment. On one point there existed considerable misapprehension in this House, and still more out of doors. It was not remembered that, in so far as this embankment touched on Crown land, it was not competent for the Committee or for the House to deal with the question, except in the way indicated by the Crown; and therefore the Committee were in the dilemma of having to take the embankment exactly as the right hon. Gentleman proposed it, or of putting a stop to it altogether. They had therefore no alternative except to take the course which had been actually pursued. On the part of the metropolitan taxpayers, he thought they had a right to complain of the hard terms which were put upon them by the Government. Certainly the inhabitants owed nothing to the Government and the Chief Commissioner for his interference with the embankment, because he was convinced, that if the Metropolitan Board had been allowed to propose it, they would have got better terms from the Treasury, and would have saved £300,000 in the execution of the work, while the public would have got all that they legitimately desired, and all that would be ultimately necessary. The Government, however, said, "The inhabitants of London shall embank the Thames, and shall pay the Crown for any supposed interest it may have in that part of the river." It was true that some of the land in front of the Crown estates was absolutely vested in the Crown; but then it was only a dirty bank, and surely, if the inhabitants paid the cost of an embankment there, and thus made the Crown land more valuable, the Crown on its part ought to contribute something. He felt sure, that if the matter had been fairly put before the noble Viscount, and he had been told that the inhabitants were about to spend £1,500,000 upon this embankment, he would have released the rights of the Crown in this foreshore, as the contribution which the Crown made in consideration of the great improvement to the Crown estate through this alteration. Instead of this, everything had been exacted. They were now compelled to take the Bill exactly as it was tendered to them regarding the Crown estates.

Mr. Darby Griffith

**MR. COWPER** said, that no money was to be paid to the Crown for the foreshore in front of the Crown property. The bargain which had been made was this:—As to the land between Whitehall Stairs and Richmond Terrace, the Crown gave up its right to embank this shore for its own profit, together with all claims to the land which was required for the roadway, and all claim to compensation for damage done; and in return it would get no money, but only the reclaimed land. He was advised that this was a fair arrangement, and better terms would not have been obtained in any other way. As regarded the foreshore not in front of Crown property, the Board of Conservancy were to have their rights valued, and one-third of the amount would go to the Crown. That also, he believed, was a perfectly fair arrangement.

**LORD HARRY VANE** said, that when these clauses were proposed in the Committee, they were thought to be rather sharp practice. The feeling of the Committee was, that all parties being called upon for some sacrifice, the Crown might well forego its claims to the foreshore. But, on the contrary, these claims were put forward in the most marked manner. That there was to be no money payment in respect of the foreshore in front of the Crown estates made very little difference. The Committee had certainly thought that it would have been better if the extreme rights of the Crown had not been so hardly pressed; but they could not help themselves in the matter, and had no resource but to accept these clauses.

**MR. AUGUSTUS SMITH** rose to protest against the assertion that the Crown had a right to embank the river in front of its own property without an Act of Parliament to empower it to do so. He was of opinion that all that had been recovered from the Thames ought to belong to the public.

**MR. DARBY GRIFFITH** thought the exaggerated pretensions on behalf of one element of the Constitution were offensive to the House of Commons. Few persons could be aware of the trickery that had been practised, or would believe that, after a Committee had made a careful investigation, at the last moment the Crown, or some one in its name, should bring forward clauses and make their adoption imperative. Such a course was offensive to that House, and placed the name of the Crown in an odious light.

**SIR JOHN SHELLEY** said, he had always considered that there had been sharp practice in this matter—that after all discussion had closed, at the last moment, they should be told that the Crown had a veto. He regretted that the Crown should have been mixed up in this matter in this manner; but it was a fact, that the only individual in the metropolis who would make no sacrifice for this great metropolitan improvement was what was commonly called the Crown, but really it amounted to nothing more than the efforts of one or two offices who were anxious to support their dignity and importance. He had divided the Select Committee twice unsuccessfully against these clauses, and the only reason why he refrained from dividing the Committee on the present occasion was, because he understood that a kind of understanding existed upstairs, that unless these clauses were passed, the consent of the Crown would be withheld from the Bill. [Mr. Cowper: Yes.] He should be sorry to imperil a useful measure by such a course; for he believed that a great work was about to be made, but badly made. He had always felt that it was a great object to make the Thames Embankment, in order to construct the low-level sewer without injury and ruin to many persons in the Strand and Fleet Street; and therefore, although he thought the scheme badly devised and badly engineered, he would not undertake the responsibility of preventing its completion.

**SIR MORTON PETO** said, that the feelings of the Committee had been accurately described by the noble Lord (Lord Harry Vane), but they were told by the Chairman that any alteration of the clauses would be fatal to the Bill. He agreed that the Crown should not be placed in this invidious position. Mr. Gore, doubtless, was desirous of protecting the interests of the Crown in the department over which he presided, but there were interests which could not be estimated by any money value.

**LORD JOHN MANNERS** said, that having read the correspondence that had taken place between the Departments, he could not see that Mr. Gore had done anything more than follow out the instructions of his superiors at the Treasury. It had been said that this was an unusual interference on the part of the Crown; but nothing could be more common than the announcement in that House of the con-

sent of the Crown to Bills which, if such consent were not given, could not be passed. There was nothing new in the exercise of that right, and he did not know that the Treasury had exercised it now in any manner inconsistent with the claims of the public.

The Chairman having put the Question, "That the Clause stand part of the Bill," Mr. DARBY GRIFFITH only declared himself in the negative: Whereon the Chairman declared the Clause agreed to.

*Clause agreed to;* as were likewise Clauses 73 to 76, inclusive.

Clause 77 (Crown Lessees to have Option of taking Lease of reclaimed Land adjacent to their Properties for Terms of their Leases).

Mr. DARBY GRIFFITH complained that the lessees along the river were to be charged for the land reclaimed from the river and added to their premises, though the lessees only require the land they already possess.

*Clause agreed to.*

Clause 78 (Limit of Width of Footway on Crown Land).

MR. LOCKE said, that the omission of this clause followed, as a matter of course, the omission of Clause 9, and he therefore proposed that it should be omitted.

*Clause negatived.*

Clauses 79 to 82 *agreed to.*

Clause 83 (Viaduct in front of City Gas Works).

MR. WYLD thought the clause objectionable, because it would perpetuate a gross nuisance in the centre of the City of London. It would sanction the continuance of the gas works near Blackfriars Bridge. If the proposed viaduct was to be constructed, it would be a great convenience to the gas company, and they ought to pay for the improvement.

MR. COWPER said, that in a sanitary point of view it would be desirable to get rid of the Gas Works, but it would be rather hard to throw on the coal duties the burden of the compensation which the Gas Company would have a right to expect if they were called upon to remove their works. It was that consideration which influenced the Committee in adopting the clause. Since, therefore,

*Lord John Manners*

the Committee had refused the great expenditure which would be required to purchase the Company's interest in their premises, it was only right that they should have preserved to them the means of carrying on their business.

MR. LOCKE said, some years back the House of Commons had an opportunity of getting rid of those Works, but they came to the determination that the Company should be allowed to carry them on where they were. If the House paid for the removal of the Works out of the Consolidated Fund, it would be a very good thing to have them removed.

LORD HARRY VANE said, the Select Committee had made the fairest arrangement with the Company which it was possible to make, and the Company, on the whole, thought themselves rather hardly dealt with.

MR. WYLD said, they were going to put the Gas Company in a better position than they were before, and the Gas Company should pay for it.

MR. COWPER observed, that the Gas Company did not think they would obtain any advantage from the change, and would rather be left as they are.

*Clause agreed to;* as were also Clauses 84 and 85.

MR. AYRTON rose to move a new clause. He said the other day, he objected to the provision by which the Societies of the Inner and Middle Temple were to be allowed to appropriate to their exclusive use the land which was to be reclaimed in front of their gardens, except only so much of it as the roadway would require. These Societies had preferred a claim greater than any other person—far greater than that of the Crown, because the Crown was acknowledged to have a right to embank in front of its lands. But the Societies had no interest in the foreshore, except as far as a landing-place was concerned, and a landing-place was to be reconstructed for them by an express clause in the Bill. The rate-payers of the metropolis were to be compelled to make an embankment in front of the gardens, but the Temple was to contribute nothing, and yet was to receive all the surplus land. Noblemen and gentlemen had made demands, but those demands were within the limit of their rights; and if they received any land, they were to pay for it the full value. But these Societies had no right to the land whatever. He

had the authority of the hon. Member for Southwark (Mr. Locke) for a proposition which every one would admit, that the owner of lands had no right to compensation for a view which might be interfered with. The Middle and Inner Temple were in possession of the land up to a certain point, and the land beyond that was vested in the Conservators of the Thames. The ratepayers' fund was to pay the conservators for that land, and thus the Thames Embankment fund became the owner of it by purchase. Being so, it had a right to do with the land what it pleased. They had been told that the extraordinary concession proposed by the Bill was made because the Temples, being powerful, might by opposing the Bill have prevented it from passing; but the House would not accept such a statement as a reason for doing what was wrong. The concession was also justified on the ground that the Temples would keep the reclaimed portions of land as gardens for the public; but he found that the Bill stated that the reclaimed land not required for the roadway was for ever hereafter to be the exclusive property of the Inner and Middle Temples. As it had been said that these Societies always let the public into their gardens, he went on Sunday, between the morning and afternoon services, when the sun was shining, to the Inner Temple garden. This garden was placed in the midst of a densely-populated neighbourhood, living in the squalid misery of courts and alleys, where almost every chamber contained a separate family; and one would suppose that under these circumstances the children of the families in the neighbourhood would have been found recreating themselves in the garden; but only about six persons were there. The gardener informed him that no one was allowed to come into the garden without a Bencher's order. This proved that the words in the Bill were not mere words of form, but were words of reality. The hon. Member then moved the addition of the clause.

#### Clause—

"Provided, That in case the Trustees of the Society of the Inner Temple or the Trustees of the Society of the Middle Temple shall not admit the public to use for the purpose of recreation the land by this Act vested in such Trustees, subject to such restrictions and regulations as the said Societies respectively, with the sanction of the Crown, may appoint in that behalf, then the said land vested in such Trustees respectively shall be and thenceforth continue vested in the Metropolitan Board of Works, as land

within the provisions of the twenty-eighth Section of this Act,"

—*brought up*, and read 1°.

MR. LOCKE thought that the hon. Member's clause was a matter of very small dimensions. The public were not to be admitted to these bits of land except under such restrictions as the Inner and Middle Temple should impose, subject to the consent of the Crown; but it was not likely that the Crown would interfere at all in the business. The hon. Gentleman was told by the gardener of the Inner Temple that he could not admit persons without orders. It should be borne in mind, however, that these orders were given by the Benchers to all persons who chose to ask for them, and on summer evenings the whole public were let into the garden without any orders whatever. The Temples maintained the gardens at their own expense, and he had never before heard any complaint made as to restrictions on the entrance of the public.

MR. HARVEY LEWIS hoped that the whole of the Temple Gardens were to be included in the clause. They were about to have valuable river front, and he thought it would be a great improvement to the Bill if Parliament were to impose such regulations on the Benchers as would prevent their shutting up the gardens from the public.

MR. MONTAGUE SMITH said, it was a mistake to suppose that a valuable river front was about to be given to the Benchers of the Temple. In fact their river front was being taken away from them. They were merely to receive some strips of land for which they could not obtain one farthing of rent. The gardens had always been kept in order at the expense of the Societies, and certainly were considered to contribute to the adornment of London. When it was said that they were the private property of the Benchers, the fact was that nobody in London used the gardens so little as the Benchers, who were nearly always absent. But the Benchers were not so fastidious as had been described; they admitted on summer evenings to the gardens those dirty children from poor neighbourhoods of whom the hon. and learned Member (Mr. Ayrton) spoke so contemptuously the other night as being likely to play about on the embankment between Whitehall and Westminster Bridge, to the annoyance of the neigh-

bourhood. Mr. Thackeray, who had witnessed these gardens the other night filled with some 400 poor children, had expressed his pleasure to him (Mr. M. Smith); and said it did his heart good to see it. There was no churlishness on the part of the Benchers respecting admission; then why, he asked, should they be interfered with in their rights of ownership which they had exercised now for centuries? There were no private gardens in London to which the public were so freely admitted as the Temple Gardens, and the attempt to interfere with the Societies in the management of their own property was most ungracious.

Mr. COWPER, while sympathizing with the hon. Member for the Tower Hamlets in his desire to see the Temple Gardens used as freely as possible by the public, thought the clause proposed would not effect the object which the hon. Gentleman had in view. The public were at present admitted to the gardens under certain restrictions, which were of by no means an illiberal tendency. But now the learned Member proposed that the Crown should have the power of overriding the decision of the Benchers in that respect. That was a proposal which he did not think it would be worth while to embody in the Bill. He might add that he did not concur with those who thought that the Benchers had been exacting in their demands in connection with the proposed embankment, inasmuch as it would interfere prejudicially with the existing river frontage of their property.

Question put, "That the Clause be read a second time."

The Committee divided: — Ayes 18; Noes 139: Majority 121.

SIR JOHN SHELLEY: Sir, I trust the Committee will permit me to make a few observations on a personal matter. When the proceedings in Committee of the House had once commenced, I thought it right to refrain from intruding myself on the attention of the Committee, because I desired that certain irritable feelings which had been excited in the previous discussions should be allowed to cool down. But there are some things which a man cannot allow to be said, without endeavouring to set himself right with his friends and society. It is a common saying, that an Englishman's word is as good as his bond. The Committee will recollect, that upon being called upon on a

recent occasion by the hon. Member for Lancaster (Mr. Garnett) for an explanation with regard to a Resolution passed in the Select Committee relative to the production of a certain correspondence, I felt it my duty to make a statement. I considered it due to the Committee, to myself, and to an officer of the House who might have been deemed to have been wanting in his duty, to state as well as I could what were the facts of the case. When I had finished my statement, the First Commissioner (Mr. Cowper) got up in his place and declared that I had made a false accusation, and had stated that which was not founded in fact. The right hon. Gentleman at the same time stated that he did not mean to say anything uncivil. With respect to that observation, I do not think it is necessary that I should say a single word; but still the words that were uttered remain, and it is due to the Committee, to myself, and to my constituents, that I should clear the matter up, which I can do in a few moments. When the Resolution in question was carried in the Committee—carried in the words that appear on the fly-leaf issued by order of the Speaker—and when the public were coming into the room, I went from my place at the table, which was at some distance from the Chairman, and said to him, "Now that we have carried this Resolution, I hope no time will be lost in bringing out the correspondence." The right hon. Gentleman turned round to me and replied, "The Resolution extends to Hungerford market and other matters not now before the Committee." I then said, "I have heard enough of Hungerford market, and, as far as I am concerned, all I want is the correspondence relating to the Crown property." The right hon. Gentleman thereupon said, "Oh, very well, we will alter the Resolution." I objected to that, saying, "Neither you nor I can make any alteration without the consent of the Committee, and I object to any interference with the Resolution until the question has been regularly put to the Committee." I then went back to my place, and as far as I was concerned that was all the conversation that took place. I told the right hon. Baronet the Member for Petersfield (Sir William Jolliffe), who sat next to me, and other members of the Committee what had occurred. As to what passed between the Chairman and the noble Lord the Member for Hastings (Lord H. Vane) I know

nothing; but the noble Lord the Member for Huntingdonshire (Lord Robert Montagu) has told me that he well remembers my protesting against any alteration being made in the Resolution. I can only say I believed, as I think every member of the Committee believed, that the Resolution as carried in the Committee would appear on the Minutes of Proceedings; but, as I stated in the House a few evenings ago, the Resolution as carried by me in the Committee did not appear in the Minutes, and the copy presented to me by the right hon. Gentleman was not in the words in which I proposed my Resolution. I never did consent to the alteration made in it by the Chairman; and I think it most important it should be clearly understood that the Chairman of a Committee may not take away a Resolution in his pocket, and, without bringing it back again, allow the Committee to disperse; and then, when a member of the Committee makes an objection to the Resolution as carried not appearing in the proceedings, stand up, and because he had some conversation with individual members of the Committee, charge the member who complains with not telling the truth. Emphatically, in the face of this House, I say I did not consent to the alteration. I believed the Resolution would appear in the Minutes as I had proposed it; and when I told the House that the other night, I told the truth, the whole truth, and nothing but the truth. If the right hon. Gentleman is not satisfied, I think the proper course for him would be to call the Committee clerk to the bar. Before I made my statement I conversed with the clerk on the subject; and if called to the bar, he will confirm every word I said. I do not ask the right hon. Gentleman to say anything further; but I ask the House to believe that I did not state what was untrue.

**MR. COWPER:** I suppose one word is required from me, and I wish to explain that when I stated the accusation of the hon. Baronet the Member for Westminster (Sir J. Shelley) was not a true accusation, but was founded altogether on a mistake, what I understood him to charge me with was, that I had altered his Resolution surreptitiously, and on my own account, and not in my capacity as Chairman of the Select Committee, endeavouring to give effect to what I believed to be the unanimous wish of the Committee. I said I thought it not fair—I believe I used stronger language—I

thought it not becoming of him to take advantage of the alteration in the Resolution in my handwriting to charge me with the responsibility attached to that alteration, because unsuspiciously I made it with my own hand, instead of returning the Resolution to him for the purpose of having it made. Had I handed it back to him, and said, "You alter it," we should have heard nothing more about it; but because I adopted the course of altering it with my own pen, I put myself in the hon. Member's hands. When the matter was brought under the notice of the House, I had no better means of setting myself right than by appealing to the Members of the Committee; and such of them as were present confirmed by statement—["No, no!" and "Hear, hear!"]—that the alteration was made with the consent of the Committee. [Sir JOHN SHELLEY: Not with my consent.] It was made, as I believe, with the unanimous consent of the Committee. It was because I understood it to be the unanimous wish of the Committee that the amendment should be made, I made it. The matter itself was of no importance. It occurred in a great hurry; and possibly there may have been some misunderstanding about it, and that the hon. Baronet did not hear me. But I thought it most unfair and most unworthy that any Member of this House should have taken advantage of such an occurrence to make a charge against me which, if true, would have implied that I was unfit for the society of gentlemen. I was very angry, and I feel I am getting angry again; so I will say no more. The hon. Gentleman has taken a liberty with me which I beg he will not take again; for I cannot promise that on a future occasion I would bear it so quietly.

**MR. DARBY GRIFFITH** rose to a point of order, with reference to a matter which had occurred that evening. He had always understood that a proposition made in Committee required no seconder, and therefore no second voice when the question was put; and he was therefore surprised to find that a single voice was not sufficient to divide the House. If that were so, it would place hon. Members under as great a disadvantage in Committee as they laboured under in the House; and he therefore asked for an explanation.

**THE CHAIRMAN:** The question was as to whether a certain clause should stand part of the Bill. The hon. Gentleman

said "No." I listened to hear whether he was supported by any other voice; but I failed to find any negative but that of the hon. Gentleman. I repeated the question a second and a third time with the same result; and although it is true that a second voice is not necessary in Committee, a second teller is necessary in case of a division. Therefore I thought it unnecessary to trouble the Committee with a division when there did not appear to be a second teller.

MR. DARBY GRIFFITH said, he was glad to find the Chairman concurred with him that it was a privilege in Committee that a single Member might raise the question on a clause by calling for a division. If that was so, though no second voice was heard, tellers might subsequently appear. In his case, there were, in point of fact, tellers, and one hon. Member raised his voice with him. He did so rather feebly, no doubt, but perhaps his lungs were delicate.

*House resumed.*

*Bill reported;* as amended, to be considered *To-morrow.*

FORTIFICATIONS (PROVISION FOR EXPENSES) BILL—[BILL No. 168.]  
COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

SIR STAFFORD NORTHCOTE (who had given notice on going into Committee to move—

"That it be an Instruction to the Committee, to set forth in detail in the Schedule to the Bill, under the head of each station, the name of the works in each district to which it is proposed to apply the sums to be granted by the Bill; the total estimated cost of each work, and the amount proposed to be applied to it before August 1, 1863,")

said, that he forbore from moving his Amendment, because he had been informed by the Speaker that he should not be in order in doing so. At the same time, he was anxious to make an appeal to the Government to make some alteration before hon. Members discussed the Bill in Committee. He wished to know how the sum of £1,200,000, lately granted, was to be expended, and to have a detailed account appended to the schedule. By this means they might discuss the Bill better than in the general form in which

it then stood. He thought they ought to be careful as to the appropriation of the money they voted. There was a difference of opinion as to certain of these works, and it was considered more desirable to carry out some of them than others. The question was, whether they had then the means of giving effect to their opinion upon the details of the Bill—whether they could reduce the expenditure upon certain fortifications, whether at Portsdown or at Plymouth. If they did so, according to the ordinary rules of appropriation they would effect nothing by reducing this Vote, because it seemed to him that the Government could use the money promiscuously for any purpose mentioned in the schedule of the Bill. If the House were to express its opinion against any particular part of the Bill, he took it for granted that the Government would take care not to proceed with that portion of the works, but there was nothing in the form of the Bill to prevent their doing so in spite of a decision of the House. They were very much in danger of passing Bills like this year after year; and if the House were to rest merely upon an honourable understanding with the Government, without a very strict appropriation clause, there was no saying to what extent the power might be used by the Government. Of the £2,000,000 granted two years ago certain sums had been set down in the schedule for particular stations, and they had now returns of how the money had been spent upon those stations, and he found that at several of these places there had been considerable excess. He knew that £350,000 of that was to be spent upon works already sanctioned by Parliament, and not set forth in detail in the schedule; but he found that at Portsmouth more than £120,000 would have been spent in excess by the end of this month beyond what was sanctioned by the schedule; while at Plymouth, £68,500; at Portland, £112,000; on the Medway, £40,000; and at Dover, £66,000, more than was sanctioned by the schedule, had been expended; and the expenditure at all the military stations had been £440,000 more than was granted by Parliament. Deducting even the £350,000, there was an excess of expenditure of £90,000. How had that money been obtained? Why, £150,000 had been obtained for a central arsenal, which had not yet been fixed upon, and that money had been

*The Chairman*

spent on works at Portsmouth and elsewhere. What he asked was, that the House should not go into this matter blind-fold. He did not wish to express any particular opinion upon the fortifications mentioned in the Bill; but it was important that they should keep the matter in their own hands, so that they might be assured that the money would be applied to the purposes for which it was voted. He proposed, when they came to the appropriation clause in the Bill, to move a proviso, limiting the power of the Government with regard to the application of these monies. If the Government would allow them to go into Committee *pro forma*, they might then discuss the matter, and decide which works should be sanctioned and which not. If not, he must at a future time propose the Amendment which stood in his name, which would render necessary the alteration of the schedule; and if there was any probability of his Motion being carried, the Government would see that time might be saved by adopting his proposal. He felt sure the Government would treat the House with perfect fairness, for in the whole of this business the Government had acted in that spirit: they had always freely shown what they had spent, and what they proposed to spend. The plan had been originally sanctioned by a willing majority of the House, and he thought the Government had no course but to persevere in the plan. All he desired was to put the matter in such a shape that they might deal with it practically. He should content himself, on the present occasion, with earnestly asking the Government to adopt the course which he had suggested.

SIR GEORGE LEWIS admitted that there was a difference of opinion as to some of these forts; and the Government had found it their duty to object to many of the opinions that had been expressed. But on one subject he thought they were all agreed—that whatever might be the decision of the House, it should be founded on clear data; that there should be no misunderstanding as to the proposals of the Government; and that when once there was a decision of the House, embodied in an Act of Parliament, it should be strictly observed by the executive Government. He was therefore quite prepared to take any course which should correspond with that principle. The hon. Baronet had stated with fairness that the information the Government had given was satisfac-

tory, and he should be ready to adopt the course he proposed if he saw how it could be reconciled with the ordinary practice of the House with regard to appropriations. He was quite ready to follow the precedent of a Committee of Supply. The course proposed by the hon. Baronet was somewhat stricter. What the hon. Baronet proposed was to insert every item, whereas the Appropriation Act only adopted the total of a Vote. What the Appropriation Act required was that the money spent should not exceed the total of the Vote; but within that Vote the separate items, although, no doubt, the Department observed each as strictly as it could, were not enforced on it by law. But in the making of contracts—for instance, when an Estimate for a barrack was contained in the Army Estimates, the whole amount being £80,000, and the annual Vote being £20,000—the invariable practice was to make the contract for the entire sum. That practice was followed with reference to these forts. If, for example, the whole amount allotted to Portsmouth was stated in the Bill at a certain sum, and the contractor for one part of the works became bankrupt, or an interruption occurred to the works from some other cause, it might be convenient and economical to the public that the sum intended for that work should be spent on some other work within the same schedule. If he were to adopt the proposition of the hon. Baronet, and make the Return a part of the Bill, it would become an appropriation of every item in that Return, which would be much stricter than the practice ever followed in Committee of Supply. He should be quite ready to enter into an engagement with the House that he would not, in the case of any one fort, exceed the total amount stated in the Return which was upon the table; and if that could be engrafted upon the schedule, he should make no objection; but beyond that he was afraid that it would be difficult to go without unnecessarily tying the hands of the War Department. He should be quite willing to make any arrangement which would carry into effect the general principle that the Government should not take any advantage of the House, or enter beyond their expectations and intentions upon any of the works included in the list.

MR. LINDSAY said, that when the noble Viscount at the head of the Government brought this subject before the House two years ago, he alleged as the reason

for asking a large Vote for fortifications the increasing armaments maintained by neighbouring Powers and especially by France. He referred to her great army, and more especially dwelt upon the fact that she had a navy which could not be required for purposes of defence; and that while she had increased her naval force our fleet had, owing to the change from sailing ships to steam ships, been diminished in number. On the faith of that statement the House readily granted a Vote of £2,000,000. Similar statements had been constantly made; but it was only within the last month that there had been laid upon the table, by command of Her Majesty, authentic reports respecting the naval and the military forces of France. Those reports appeared to him to differ in material particulars from the statements which had been made during the last two years, both by the noble Lord at the head of the Government and by the noble Lord the Secretary for the Admiralty, and he therefore thought that it would be well for the House to postpone the consideration of these fortifications until they had further information upon this subject. He was about to move that the consideration of further expenditure upon the fortifications authorized by this Bill should be postponed until there had been laid before the House the reports of our naval attaché at Paris showing the state of the French navy at various periods during the years 1860 and 1861. The House would not have sanctioned so large an expenditure—it was questionable whether it would have sanctioned any expenditure for fortifications, but for the impression which was created by the statements of Her Majesty's Government that we were fast becoming, in comparison with France, only the second naval Power, and should not be able to maintain the command of the sea. What, however, were the facts? That we possessed more efficient steam vessels mounting twenty guns and upwards than all the rest of the world, France included, and that we had twenty more line-of-battle ships (the noble Lord the Secretary to the Admiralty himself admitted seventeen) than all the other nations of the world together. In 1860 the House voted £12,800,000 for the navy, and the number of men voted was 85,500, or 6,000 more than were voted while we were at war with Russia. The noble Lord the Secretary to the Admiralty, in asking for those Votes, stated

that France had 244 steam vessels that could be manned and sent to sea in a few weeks, some in a few days, and asked where we should be if hostilities broke out. The Government were not satisfied with the enormous wooden fleet which we then had, and during the year 1859-60 they built 85,000 tons of wooden ships, consisting of line-of-battle ships, frigates, and so forth. Yet at that time they must have known that France had long ceased to build wooden ships, and that one iron-plated ship could destroy all our wooden ones. In 1861 the House voted for the navy) £12,029,000 besides £250,000, an instalment of £2,500,000, which was voted later in the Session. The number of men was 78,200. The noble Lord, in moving those Estimates, observed that it was impossible that our force, either in men or ships, could be fixed without relation to the forces of other Powers, and stated that France had then two very large and powerful iron-cased ships, which they ranked as line-of-battle ships, mounting fifty-two rifled guns each; four powerful vessels which they called iron-cased frigates, mounting from forty to thirty-six guns; four of a very formidable class, called floating-batteries, mounting fourteen guns each; and, in addition to all these, five gunboats of a very formidable character. He thus made it appear that in March, 1861, France had built or was building fifteen iron-cased ships, while we had only seven under construction; and on the faith of that statement of things the House readily granted the large sum of money which he had mentioned. There was a very long discussion upon those Estimates, and in the course of it the noble Lord stated that the *Magenta* and *Solférino* would be ready for launching in a very short period and might be sent to sea in a few months, and that of the four frigates one was then at sea and the others were ready. He was in Paris; and having confidence in the statements of the noble Lord and the noble Viscount as to the immense preparations of France, he took occasion to speak to the Minister of Marine, and the Minister of Marine said that the iron-cased ships were not in the advanced state which was represented. The Minister of Marine, moreover, placed in his hands the means of contradicting these statements. He (Mr. Lindsay) also mentioned the subject to M. Chevalier, who wrote him a note which he read to the House at the time. He, however,

*Mr. Lindsay*

thought it necessary to trouble the House with an extract from that note—

" You have a full statement of our navy in a blue-book placed in a solemn manner before your House. You have it from the lips of the Minister of our navy. You were told by our Minister, privately as well as publicly, that of iron-cased vessels France has only one at this moment fit for sea, namely, *La Gloire*. That in a short time there will be a second one of a similar character ready for sea. I tell you, too, it will be necessary to have two more built; but two years must elapse before we are in a position to complete six iron-cased vessels ready for sea."

Now, observe those two years dated from the 19th February, 1861. The noble Viscount, however, who doubted the assertion, said it was no use shutting their eyes to notorious facts, and to go on pretending that the policy of France for a length of time had not been to get a navy equal, if not superior to our own. The Estimates were voted in March or April, and on the 31st of May the right hon. Member for Droitwich (Sir John Pakington) came down to the House, and stated, on the authority of Admiral Elliot, who had visited all the dockyards of France except Toulon, that *La Gloire* was completed, that the *Magenta* and *Solferino* were to be launched in June; and the hon. Baronet summed up the matter in these words—

" The practical point we arrive at is, that the French are rapidly preparing 15 powerful armoured ships, to be added to 9 of a different description also covered with armour, giving them in the whole a force of 24 armour-covered ships, exclusive of the old batteries which were used during the Russian war . . . Admiral Elliot assures me . . . that in every one of the yards which he visited the utmost efforts are being made to press all those ships forward to completion. I have no wish to excite alarm by making this statement. . . . The point to which I invite attention is, that whatever may be the motive of France, the practical result is that we are rapidly becoming the second maritime Power of Europe." [3 *Hansard*, cxiii., 416-17.]

The Return of the strength of the naval and military forces of France, and the state of advancement of the iron-cased ships and batteries building on the 1st of January, 1862, did not confirm the statements made by Admiral Elliot after his flying visit to the French dockyards, and endorsed by the right hon. Baronet the Member for Droitwich. It was now clear that in May, 1861, no such progress had been made in the French iron vessels to justify the statement which was made to the House on the 31st of May by the right hon. Baronet on the authority of Admiral Elliot; and that the statement he

had himself previously made on the authority of the French Minister of Marine, and M. Chevalier was literally correct. The Government, finding the House alarmed at the representations of what was doing in the French yards, asked for a supplemental Vote of £250,000, as an instalment of £2,500,000, to build six iron-cased ships of 6,300 tons each, and attaining a speed of 14 knots an hour; and in the month of July that sum of £250,000 was voted, in addition to the original Estimates of £10,000,000 or £12,000,000. Many Members opposed the proposal of the Government, and he was one of them. He warned the Government against the danger within, should the American war continue, and the people be thrown out of employment, and he advised them to consider that, rather than an imaginary danger from without. The noble Viscount, however, notwithstanding these facts, still adhered to his opinion and reiterated his statement as to the supposed increase of the French navy. " In addition to a fleet of six iron vessels," said the noble Lord, " France has laid down ten other vessels, making together sixteen formidable ships of war, in addition to eleven floating batteries." The Secretary to the Admiralty, moreover, stated that other nations were adding to their iron-cased ships, and we must keep pace with them; and the noble Viscount said that the great preparations of France rendered indispensable corresponding preparations on the part of England. The sole reason for the expenditure which was given to the House was the rapid increase of the French navy, and at the same time discussion was deprecated, because it would give offence to France, and the people of England were convinced that the French Emperor had acted most honourably and fairly towards them. Some had said, " Oh, France won't meddle with us as long as we have our hands free; but only wait till we get into trouble with some other Power, and then see how the Emperor will act." Well, we had recently had a difference with another Power, which assumed a threatening aspect, and the Emperor had behaved in the most friendly spirit. It was the French despatch which, in a large degree, helped to extricate us from the American difficulty. Now, under all these circumstances, he (Mr. Lindsay) thought, that before the House proceeded to consider the further expenditure of money upon fortifications, it was very desirable that full and exact

information should be supplied as to the actual naval force of France up to the latest date possible. Now, he believed it was correct as regarded numbers to say that France had built and was building 37 iron-cased ships, and England only 26. As far as France was concerned, there were 6 iron-cased frigates to be completed this year. There were 10 ordered to be laid down in the winter of 1860-1, and the building of which would extend over seven years. Not one of those was to be launched before 1863. Now, those made altogether 16 sea-going vessels. The keel of *La Gloire* was laid down in 1858. Besides those he had enumerated, there were four floating batteries for the defence of the mouths of rivers and coasts, building at Bordeaux, and they were nearly ready. There were also 7 other floating batteries of only 150-horse power each, which had just been ordered. There were 5 gun boats, which were built for the Italian war, and about which his noble Friend had alarmed the House. They were of 32-horse power each, and besides there were 5 batteries that were built for the Crimean war, and they made the total of 37, with a tonnage of 68,000. Now, compare our 26 vessels with these 37. We had 11 completed this year, the tonnage being 47,887, six in the course of construction, each of which was 6,621 tons, making a total for these six of 39,726; one battery, on Captain Cole's principle, which was 2,529 tons, and those 8 old batteries of about 16,000 tons; so that we had built and building 106,000 tons of iron-cased ships, as against 68,000 built and building by France. [Lord CLARENCE PAGET: How many guns?] As the English vessels were each of about 6,600 tons, and the French of about 3,000, he presumed that the English ones could carry double the weight of metal of which the others were capable, or that, at least, they were stronger and more efficient in some other respect. If that were not the case, then the Admiralty, of course, did not know its duty, or it would build two vessels of the smaller kind for one of the larger sort. Therefore the number of guns did not much matter. Should any emergency arise, we could build iron-cased ships faster than any other nation. It was, therefore, enough if we kept ahead of others in our naval force for the current year. France would this year have ready for sea six iron-cased vessels, of 23,000 tons, while we should have 11 vessels, of 47,887 tons. Two of

those vessels, the *Magenta* and *Solferino*, would not be ready for trial trips before October. Surely these figures did not justify any alarm on our part. If that was our present position, and an emergency should arise, we could turn out three iron-cased ships for every one that France could turn out, and twice as many as all Europe put together could produce. During the last three years we had voted £38,000,000 for our navy, while France in the same period had voted for hers only £17,600,000; and even of the latter sum £2,500,000 were on account of the expeditions to Cochin China and Mexico. It was said that France nominally voted £5,000,000 and expended £7,000,000. He had before given the House the sums voted and the sums actually expended in the two countries during ten years, and had shown that the excess of expenditure over the Votes was not so great in France as in England. It was constantly stated, that although we had ships, we had not men. Now, France had this year voted 35,000 men for her navy, and 10,000 more for Cochin and Mexico brought up the total to 46,000. It was said that maritime inscription gave her 156,000 men; but that number included the whole of her merchant seamen, her fishermen, bargemen, boys, and, in many cases, the labourers in her dockyards. On the other hand, we had 76,000 men this year for our navy; our reserves might be taken at 40,000 more, although, to be safe, he was willing to take them at a smaller number; and when to these we added our mercantile marine and the other classes comprised within the French aggregate, we had a "stand-by," if he might use the expression, in round numbers of about 400,000 men as against the 150,000 of France. In all these various elements of comparison, then, we were in advance not of France merely, but of France and any other two naval Powers. We were in as good a position now with regard to our maritime supremacy, whether in respect to our wooden ships or our iron ships, as we ever were at any time. Therefore, if we had the command of the seas, he must look upon these fortifications as unnecessary. The House should therefore pause, especially as severe distress prevailed in the manufacturing districts, before spending millions upon millions thus needlessly. Such a course, if persisted in, might produce greater internal dangers in this

country than any troubles with which it could be threatened from abroad. For these reasons he had placed his Motion on the paper, which he now begged to move—

**Amendment proposed,**

To leave out from the word "That" to the end of the Question, in order to add the words "it is expedient to postpone the consideration of further expenditure upon the proposed Fortifications authorized by this Bill, until there have been laid before the House Copies or Extracts of Reports from our Naval Attaché at Paris, showing the state of the French Navy from time to time, at intervals not exceeding three months, during the years 1860 and 1861,"

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

**LORD CLARENCE PAGET:** My hon. Friend the Member for Sunderland has, I am happy to say, rectified a great many of the misstatements which he made, I have no doubt unintentionally, in our recent discussions in regard to the numbers of the French navy. Now, I should be ready to remark on his quotations from previous speeches of mine, but I certainly think it unadvisable that we should have these periodical debates on the relative strength of the French and English navies, entering into all these details. Every word that my noble Friend (Viscount Palmerston) has at various times stated with regard to the strength of the French navy is perfectly correct, and has been corroborated to night by the hon. Member for Sunderland himself. He has given every ship, every frigate, and every floating battery which my noble Friend and I had before enumerated, and he has stated the numbers, the force, and all the other details connected with them. The only point, as I understand it, upon which we are at issue is as to the state of forwardness of those ships. With respect to tonnage, my hon. Friend knows as well as I can tell him that that is not one-half as important as the question of guns. It is perfectly well known that the ships of our navy have always had to carry fewer guns in proportion to their tonnage than those of any other navy. And why? Because our business has been, and is, to send our ships all over the world. They have to go wherever they may have to meet an enemy—north, south, east, or west; whereas other Powers do not require to have their navy in so complete a sea-going state as ours. Undoubtedly, there-

fore, our iron-cased ships are of very much heavier tonnage than those of any other nation. Hon. Gentlemen who attend to these subjects will find that there are many opinions as to the advisability of having ships of this very large tonnage. But when we come to guns, and the power of throwing projectiles, I could show the House that the proportion between this country and France is not so favourable to us as my hon. Friend supposes. But, avoiding at present the making of any detailed statement, I can only assure the House of this, that the French iron-cased navy has made very great progress. I never said myself, nor has my noble Friend or any other Member of the Government ever stated, that there was any unusual haste or preparation on the part of France in reference to the increase of her navy. We know perfectly well that the conduct of the French Emperor and the French nation has been loyal and generous towards this country; we know that there has been no desire on their part to molest us; but we also know that by husbanding their resources and by very great care and expenditure the French navy is making very great progress, and is in a state of very great perfection. In regard to the number of men, I could, if I did not think it very inexpedient, go into details which would convince the House that what my hon. Friend said about the comparative force of the two countries is really fallacious in the extreme. And whether the Government of England is composed of Gentlemen on the one side of this House or on the other, it behoves it to take proper steps to ascertain what are the naval forces of other States, and to regulate our doings by that which takes place in other European countries. Having said that, I hope the House will excuse me from entering into any further particulars on the subject.

**MR. COBDEN:** If the noble Lord who has just spoken, and the noble Viscount at the head of the Government, had held the doctrine in times past that it was unadvisable to introduce into the debates of this House references to the strength of the French navy, I should have agreed with them. But we hear that argument now for the first time. When we have before us official and authentic facts by which we can prove that the statements which have been made by the Government in times past with regard to the strength of the French navy have been entirely fallacious and delusive, and when we seek to remove

that most lamentable spirit of animosity which has been created towards the French Government and the French people by the constant appeals to our fears on the ground that France was making undue naval preparations, I think this is not the moment for stifling discussion, but rather for examining the plain facts that are before us. Is there a man in this country accustomed to pay any attention to this subject who has not been led to believe—mainly by the statements of the noble Viscount, repeated for many years past, on all occasions when opportunity offered—that France, during the time the present Emperor has held sway there, has unduly raised the proportion of naval force which in former times it was customary for France to maintain as compared with ourselves? Is there anybody who doubts that France, during the time of the present Emperor, has not had a larger navy in proportion to the English navy than she was accustomed to have in former times? That has been the general impression. That is the ground on which we have been asked to vote these enormous Navy Estimates. It would be affectation in me to pretend that I have not had as good opportunities for access to every official source of information on both sides of the Channel as the noble Viscount himself; and I say, in opposition to everything the noble Viscount has stated in the way of vague assertion, that for the last twelve or fourteen years, during which the present ruler of France has had sway in one capacity or another in that country, the French navy has borne less proportion—far less proportion—to the English navy than it did in the time of Louis Philippe. When I make that assertion, in opposition to the noble Viscount, I wish it to be accepted only for what it is worth. I intend to support it by specific proofs, for I hope we have now got to the end of those vague assertions under which, according to the old legal maxim, fraud lurks. Unwilling as I am to trouble the House with statistics, I feel bound to give them a few figures on this matter; and first of all I will give them the outlay in the French dockyards during the last twelve years of Louis Philippe's reign and the first twelve years of the Republic or Empire down to 1859, which is the last year for which we have the audited and official accounts of France, and contrast it with the same expenditure in the English dockyards. I take the expenditure for labour in the

French dockyards. I do not give the total expenditure, because when you attempt to draw a general comparison, there are discrepancies in the mode of keeping accounts which make it totally unreliable; but when you come to the amount expended in labour you get a fair comparison. I will give, then, the amount expended in the English and French dockyards from 1836 to 1847 in Louis Philippe's reign, and the amount expended from 1848 to 1859, during the time of the present Emperor. In England the expenditure for labour in the dockyards from 1836 to 1847 was £7,294,000, and in the French dockyards in the same time £4,540,100; showing an English excess of £2,750,000 during that period. Between 1848 and 1859 the English expenditure was £11,510,800; in the French dockyards for the same time it was £6,989,500; showing an English excess of £4,521,300 in the last period, against an excess of £2,750,000 in the time of Louis Philippe. So that, in fact, we have been spending during the last twelve years nearly double of what we had spent, in comparison with the expenditure of France, in the former period. If these facts be true, and I challenge the disapproval of them, how is it that during the last twelve years, down to 1859, which immediately preceded the outburst of this mania for fortifications, with any kind of management which could be tolerated by a business-like people, that France could get ahead of ourselves in naval strength? There is another and still better test of the comparative strength of the two navies than that of the expenditure on dockyard labour—the number of men maintained in the navies in those respective periods. The yearly average of the number of seamen in the English navy between 1839 and 1847 was 38,120 and in the French navy 30,150, giving an English excess of 7,570 men in Louis Philippe's time. The yearly average of the number of seamen in the English navy between 1848 and 1859 was 51,660, and of the French navy 33,150, giving an English excess of 18,510 in the latter period, as against 7,970 in the former period. To be still more specific, let us take the number of seamen in 1847, the last year of Louis Philippe's reign, and compare them with 1859, the last year for which we have officially audited returns, and the year which preceded the outburst of the fortification scheme. The number of seamen in the English navy in 1847, was 44,960, and in the French navy 32,160;

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giving an English excess of 12,800 in the last year of Louis Philippe's reign. In 1859 the English navy had 70,400 seamen, and the French navy 39,470 ; giving an excess of 30,930, against an excess of 12,800 in the former period. What appeal can there be from facts like these ? I beg the noble Lord will not reply to me with vague general assertions ; and if these facts cannot be gainsaid, as I believe they cannot, what foundation can there be for the alarmist statements which have been made on the assumption that France was making extraordinary and successful efforts to change the accustomed proportions between the strength of her navy and ours ? But can we not, with the aid of these documents, which have been almost inadvertently presented to the House by the Government—can we not by these despatches of Captain Hore, the English naval *attaché* at the Paris Embassy—which alone brings me to my feet—bring this question to a still more precise and tangible issue ? I think we may, I go back to the time when the French Government devised a scheme for its naval establishment. In 1855 the French Government appointed a Commission to inquire into the state of the navy, and to devise a programme for its future establishment. In consequence of that Commission a decree was published in 1857—I beg attention to the dates—in which the Emperor defined and fixed the naval strength of France, and in which he published to the world the amount of naval force which his Government intended to maintain for a long period of years to come. In that decree the French Government decided that the *maximum* of the strength of the French navy should be forty line-of-battle ships—a moderate establishment if we compare it with what France had been accustomed to maintain in former times, when the standard of naval strength was in sailing line-of-battle ships. From a statement of the number of line-of-battle ships in the French navy in each year, down to 1859, it appears that in 1778 it was 68, in 1794 it was 77, and in 1830 the number was 53. And it will be found by any one who will consult that interesting work, *The Memoirs of the First Lord Auckland*, that when he was, in 1783, negotiating the commercial treaty with France, he sent over to Mr. Pitt a list of all the ships of the line possessed by France at that time. The number was 68. Now, 40 line-of-battle ships is the

*maximum* in the naval force of France fixed by an Imperial decree in 1857—a decree published openly, known to the whole world, and in the possession of everybody who takes an interest in such matters—and that *maximum* was fixed for a considerable number of years to come. But I find that the right hon. Baronet the Member for Halifax (Sir C. Wood), in bringing forward the Navy Estimates for 1857, stated the number of English line-of-battle ships then built and building as 40. And in a paper presented to the House of Commons in April, 1859, by the right hon. Baronet the Member for Droitwich (Sir John Pakington), the number of line-of-battle ships possessed by the French Government at that time is stated as 40, built and building. Here, then, is a datum line ; and if, instead of allowing our minds to be diverted to other subjects, we would concentrate our attention on this point, we should be able to measure the increase and diminution of the French navy by a test laid before us that the Government itself cannot reject. From 1857 down to within the last fortnight the noble Lord at the head of the Government has been constantly reiterating the great efforts made by the French Government to increase its navy, and to give it a disproportion of strength compared with that of the English navy. But we have now laid before us a despatch from the naval *attaché* of our Embassy in Paris ; and I find he states that the number of line-of-battle ships in the French navy, built and building, on the 1st of January of the present year, was just 37. So instead of 40, which was announced by the French Government as its *maximum* in 1857, we find, on the authority of our own naval *attaché*, France has only 37. During these last five years our Naval Estimates have enormously augmented ; we have heard constant alarms expressed at the increase of the French navy ; and appeals have been made to us in support of an enormous system of fortifications ; yet we find that France has fewer line-of-battle ships now than she had five years ago. The fact is a conclusive proof that these statements were illusory. I am willing to believe that the noble Viscount has been himself under some official delusion in respect to this matter. My hon. Friend the Member for Sunderland (Mr. Lindsay) has proposed there should be an addition to this despatch, showing what was the French naval force in 1860 and 1861 ; and I think this

is due not only to the noble Lord, but to Captain Hore, our naval *attaché* at Paris, placed there to furnish information for the instruction of the Government. Either he has not given correct information, or the noble Lord cannot have read his despatches, because it is impossible, taking the statement he now sends, compared with what has been stated on official authority during the last five years, that the Government could have been under such an illusion as to the French having made such great naval preparations. I have confined my statement to the number of line-of-battle ships, because that class of ships has been the measure of naval power in past years. But if I extended it to smaller vessels, our case would be infinitely strengthened. The hon. Member for Sunderland has told us that our navy comprises more vessels of twenty guns and upwards than all the other navies in the world. I believe he states that correctly; and it proves what I say, that by extending the comparison from large ships to small we should find the case strengthened against the Government in reference to the exaggerated statements they have laid before us. Now, it is impossible to deal with this question without the facts rising up in accusation against the noble Viscount. Whenever the question of the organization of the navy is raised the noble Lord puts himself prominently forward as the advocate of these large armaments, and always with reference to the state of things in France. In the whole of the past five years I defy any one to show an instance in which the noble Lord has advocated an increase of our naval armament in reference to any other country but France. We have heard the word "invasion" from him a dozen times within the last few years. Now, for a Prime Minister to talk about this country being invaded by a friendly Power without one fact to justify a suspicion of it—on the contrary, when the navy of that Government is less than at any former time—is to commit this country to an attitude towards that neighbouring Power that no Minister ought to give it, with the levity of indiscretion that has marked the noble Lord's course on this subject. The hon. Member who preceded me read an extract from a speech of the noble Lord that shows the manner in which the noble Viscount has dealt with this question. He is aggressive in his defensive policy. He would not allow me to sit

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quiet, without making an attack on me. The noble Lord is the representative of an idea; he seems to be possessed by it—it is the idea of invasion. It is an idiosyncrasy of the noble Lord. Now, it will be in the recollection of the House that in 1860, when the plan of fortifications was proposed, several hon. Members, among them the Members for Sunderland, Glasgow, and Montrose, took steps, either by writing or sending to France, to inquire for themselves as to the reality of the naval preparations of the French Government. And, surely, if there are three hon. Gentleman in this House who may be supposed likely to give an impartial judgment as to a proposal for an increase of maritime defence, it would be the Members for three of our largest commercial seaports. Those hon. Gentlemen, with my hon. Friend the Member for Finsbury (Sir M. Peto) took great pains with this subject. I happened to be in Paris at the time, and I know the pains they did take. Some of them visited the French dockyards, or employed trustworthy agents to do so. Others saw the French Minister of Marine. And after the groundless allegations that had been made here, almost imputing to the French Government some clandestine design against us, I think it proves a great amiability on the part of the French authorities that these Gentlemen were graciously received, and were given every facility for visiting the French dockyards and arsenals. Those Gentlemen came back, and in the spring of 1861 took the opportunity of stating in the House what they had heard and seen, controverting and opposing the statements of the noble Lord, as to the great preparations, and hostile intentions of France. How did the noble Viscount treat these hon. Gentlemen? One would have thought that, at all events, their sincerity would not have been questioned. But I will read an extract from a speech of the noble Lord on March the 11th, 1861, when the Navy Estimates were brought forward, when some of the Members of his Cabinet shrunk away, and others could say nothing. The hon. Member for Birmingham (Mr. Bright), among others, had spoken on the occasion. The noble Lord said—

"I rise to contradict the hon. Gentleman's (Mr. Bright's) own erroneous assertions, as well as those of the hon. Members for Montrose and Sunderland. Those hon. Gentlemen came here propounding opinions based on extracts from some newspaper or other. I really think it was

a Scotch newspaper that one hon. Member quoted. They recount to us what they were told by friends whom they met at Paris, and they repeat the denials given there by persons excessively interested in misleading public opinion here, and making us all believe that nothing can be more harmless than all the military and naval preparations of France. Why, these Gentlemen come here like the Trojan horse, in order to deceive us as to the real possibility of danger to which we might be exposed." [3 *Hansard*, cxi., 1787.]

And then the noble Lord knocks them down with a Latin quotation. But he again returns to the charge—

"When some well-intentioned gentleman asks the French if they really mean to invade this country, if they really have any hostile intentions towards us, of course they say, 'Not the least in the world,' their feeling is one of perfect sympathy and friendship with us, and that all their preparations are only for their own self-advancement." [3 *Hansard*, clxi., 1791.]

In this speech the noble Lord stated—and it was the only fact in his speech—that the French had 34,000 men in their navy; and just before, the Secretary of the Navy, on the same evening had taken a Vote for 78,200 men for our own naval service. I will defy any one to show any year during the reign of Louis Philippe when there was such a disproportion between the naval forces of the two countries, as there had been during the reign of Louis Napoleon, except in the time of the Crimean war. It should be remembered that in 1859, when we had such a large disproportion of naval power as compared with that of France, France was engaged in a war in Italy, while it was a year of peace with us. But in no year of peace during the reign of Louis Philippe did not the navy of France bear a larger proportion to that of England than it has done during the reign of Louis Napoleon. It is not, therefore, a question of who began first. France has never increased the proportion of her navy. There has not been one year in which you can show a tendency to increase, except on the part of this country. But the noble Lord has not confined his statements to the navy. He has also given us some facts and figures respecting the land forces of France; but in his statement there was an inexactness of a very grave kind, for he exceeded the real amount of the French force by 200,000 men, which called down a correction from the *Moniteur*. I must complain of the habitual inexactness of the noble Lord as to these matters; and if the China debate should come on to-morrow, I shall have to recite another grave inaccuracy. On the 24th of May, the noble Lord, in

speaking of the land forces of France, said—

"On the 1st of January, 1862, the French army consisted"—[these are the corrected figures which the noble Lord afterwards gave]—"of 446,348 men under arms. There was, besides, a reserve of 170,000 men, liable to be called out at a fortnight or three weeks' notice, making altogether 616,348"—

Not 816,000, as the noble Lord really said.

VISCOUNT PALMERSTON: No, I never said anything of the kind.

MR. COBDEN: I beg the noble Lord's pardon, because this was not a mistake of a figure. There was addition and subtraction, and the statement was the same all through. The noble Lord proceeded—

"In addition to this force actually under arms, or liable to be called out for service, I stated that there were 268,417 National Guards, making a total available force of 884,765."

That is the noble Lord's statement of the land forces of France on the 24th of May, 1862. Now, I have here another statement made by the noble Lord on the 30th of July, 1845, when he was urging Sir Robert Peel to increase our expenditure. On that occasion he said—

"France, as I had occasion to state on a former occasion, has now a standing army of 340,000 men, fully equipped, including a large force of cavalry and artillery, and, in addition to that, 1,000,000 of the National Guard. I know that the National Guard of Paris amounts to 80,000 men, trained, disciplined, reviewed, clothed, equipped, and accustomed to duty and perfectly competent, therefore, to take the internal duty of the country, and to set free the whole of the regular force." [3 *Hansard*, lxxii., 1223.]

Now, let us compare the land forces of France according to the noble Lord's own authority in 1845, just previous to the fall of Louis Philippe, with those which she has at the present moment. In 1845 he states the total of the army and National Guard at 1,340,000 men. In 1862 he states the total force of France at 884,765 men, being less in 1862 than in 1845 by 455,235 men. But there has been since then a great change in the number of our own armed force. We must add to our own land forces at least 200,000 additional men in the shape of Militia, Volunteers, and increase of our regular forces. That is a low estimate. Add these 200,000 to the 455,000 which France has less now than in 1845, and it gives 655,235 fewer armed men in France, as compared with those in England at present. That is not an alarming state of things; and if you remember that the National Guard of Paris is now virtually disbanded—even

taking into account the increase in the regular force, which I am not here to defend, for it is the monster evil of the age—considering all these points, the House will see that France has not so large an armed force as in the time of Louis Philippe. I will make one more remark upon the question of the responsibility which rests upon the Government and upon the House in these matters. I have heard a doctrine very much insisted on—namely, that we are not to take the dicta of independent Members upon this question, but are to trust implicitly the statements of a Prime Minister. One would think that the sagacity of the right hon. Gentleman opposite (Mr. Henley) would lead him to take a different view of the matter. Yet what is his maxim as to the authority of a Prime Minister? In July last, when an attempt was made to get more money from us on the plea that more iron ships were wanted, that attempt was opposed by my hon. Friend (Mr. Lindsay), who, under the discouragement, the taunts, the imputations, and the little attention he received some years ago, deserves the thanks of the country for the manner in which he opposed increased Estimates. Speaking of the noble Lord at the head of the Government, the right hon. Gentleman (Mr. Henley) on that occasion said—

"Speaking as the noble Lord did from his place as Prime Minister, if 100 persons had been sent by hon. Members to look round them, open and shut their eyes when they liked, perhaps having no eyes to see with at all, he did not think that the reports of such people ought to be allowed by the country to weigh for one moment against the positive declaration of the Prime Minister from his seat in Parliament, that he knew the facts he stated to be facts." [3 *Hansard*, clxiv., 1878.]

[“Hear!”] Hon. Gentlemen cry “Hear, hear!” but I think that is a dangerous doctrine. Are we absolved from our responsibility because a Prime Minister makes certain assertions? We are here as representatives of the people. The Prime Minister is responsible to us, and we are responsible to the country; and if we take implicitly the statement of the noble Lord, neglecting our own duty, do you think that, by-and-by, when we get into that condition in which the country is apt to judge of Parliament, and of Ministers by a very ugly retrospect upon their past policy—do you think that we shall stand acquitted before the country for voting these large sums of money without inquiry into the facts upon which the noble Lord bases his statements and opinions?

*Mr. Cobden*

The facts are all accessible to us. There are no secrets about the French naval armaments. Every information which is possessed by the Government may be had by us; and I think it is the duty of the House, as representing the people and finding the money for these armaments, to see that the grounds upon which we vote such enormous sums are valid grounds, and do not rest merely upon the fanciful and excited imagination of a Prime Minister. Now, is this the proper time—does anybody who reflects upon what is passing among multitudes of men out of doors—does any one think this is the proper time to be discussing in this House from day to day the question of more outlay upon bricks and mortar at Portsmouth or Woolwich for the defence of the country? After the statements we have heard, unless the facts and figures can be disputed and disproved, I say that to spend money now upon gigantic fortifications, backing up our enormous naval power, would be a waste of public money impossible to justify. I think we might more properly be engaged in discussing other questions, as was stated by the hon. Gentleman who preceded me, relating to the internal state of the country. There is no question in this House as to defending the country against a foreign enemy. It would be a piece of supreme impertinence in me or in any other man to lay claim to an exclusive interest or regard for the security of the country against a foreign enemy, and I hold the man to be a charlatan who sets up a claim to popularity because he holds the honour and safety of the country in higher estimation than I do. That is not the question here, where every man has an equal interest in the safety of the country. We may take different views—as we are entitled to do—as to the best modes of fortifying and permanently defending the country. Some think we cannot do better than appeal for armaments and fortifications in addition to our existing resources in time of peace, notwithstanding the weight of taxation under which the country is struggling; while others, like myself, may think, with Sir Robert Peel, that you cannot defend every part of your coast and colonies, and that in attempting to do so you run a greater risk of danger to the country than you would incur by husbanding the resources which you are now expending upon armaments, so as to have them at call in time of emergency. That is my view.

Let no one presume nor dare to say that he has more regard for the safety of the country than I have. They may try to create imaginary dangers and to take credit for guarding against them; but give us a real danger, show us that our navy is not equal to our defence, that a neighbour is clandestinely and unduly trying to change the proportion which its force should bear to that of this mercantile people living in an island, and then I would willingly vote £100,000,000 of money to protect our country against attack. But, in saying this, I claim no merit. I do not set myself up as a great patriot, for there is nobody here but would put his hand in his pocket and spend his whole fortune rather than have this island defiled by the foot of an enemy. I have my own views as to what constitutes the strength of the country, but they are not the views of those who have had a hand in promoting this gigantic system of expenditure. The right hon. Member for Stroud (Mr. Horrigan) is the author of this scheme. It is his sober, sagacious leadership of which you are followers. The hon. Member for Bridgwater (Mr. Kinglake) has recommended this great plan of expenditure; he is the great champion of the noble Viscount in this matter. I cannot follow those gentlemen, for I do not entertain their views. The right hon. Gentleman the Member for Stroud thinks that in proportion as you go on extending your commerce and increasing your wealth you must also be continually increasing your armed force. That might be if we were an enervated people, gaining our wealth from the labour of slaves, or if remittances from gold regions were keeping us in idleness and luxury; but my view is that every step you take towards the increase of wealth and the extension of commerce, by that very commerce you are strengthening yourselves and building up those materials and that kind of population which will best provide means of defence whenever we are attacked. Our wealth, commerce, and manufactures grow out of the skilled labour of men working in metals. There is not one of those men who in case of our being assailed by a foreign Power would not in three weeks or a fortnight be available with their hard hands and thoughtful brains for the manufacture of instruments of war. That is not an industry that requires you at every step to multiply your armed men. What has given us our Armstrongs, our Whitworths, our Fairbairns? The industry

of the country, in which they are mainly occupied. It has been sometimes made a reproach against me and my friends the Free-traders, that we would leave the country defenceless. I say, if you have multiplied the means of defence—if you can build three times as many steamers in the same time as other countries, and if you have that threefold force of mechanics of which my hon. Friend has spoken, to whom do you owe that but to the men who, by contending for the true principles of commerce, have created a demand for the labour of an increased number of artisans in this country. Go to Plymouth or to Woolwich and look at the names of the inventors of the tools for making firearms, and shot and shell. They bear the names of men in Birmingham, in Manchester, and in Leeds, men nearly all connected for the last twenty years with the extension of our commerce, which has thus contributed to the increase of the strength of the country by calling forth its genius and skill. I resist the attempt which has been made to show that I am not a promoter of the strength, the power, and the greatness of this country; or that I, or any of those who act with me are or have been indifferent to or ignorant of what constitutes the real strength and greatness of the country.

SIR JOHN PAKINGTON: The hon. Member for Rochdale and others have referred so directly to me on the subject of exaggerated statements alleged to have been made in this House with regard to the navy of France, that, in justice to Admiral Elliot, I wish to say a few words. The speech of the hon. Member for Rochdale has been mainly directed against the noble Viscount, whom he has charged with vague and exaggerated statements as to the navies of France and England. I leave the noble Lord to answer that charge, but I must say that I believe he has made no speech upon the subject which was not only not open to the charge of vagueness or exaggeration, but was not strictly founded upon most accurate data. But I must say further, that the speech of the hon. Member for Rochdale with regard to the naval proportion has really nothing to do with the question now before us, no more than if he had addressed the House upon the relative strength of the navies of Spain and England at the time of the Spanish Armada. His speech was in a large degree taken up by comparison of the outlay of France and England during two periods—one during

the reign of Louis Philippe and the other under the present Emperor of France. Let me remind the House that nothing can be more fallacious than to make a comparison of the navies of England and France founded solely upon statements of the money expended during two periods. The rates of wages, the prices of every element of shipbuilding, are so different. [Mr. COBDEN : Labour.] I said so. But that is not the most important fault I have to find with the hon. Gentleman's statement. He told us of a programme issued by the Emperor Louis Napoleon in 1857. Let me remind the House that the year 1857 was the year preceding the commencement of the idea of armour-plated ships; therefore you cannot attach much importance to a programme of 1857. I must also remark, that during the whole of the hon. Member's speech he did not say one word about what has been passing in England or France since 1859. In 1859 we commenced building iron-plated ships, and, under correction, I believe all the noble Viscount's speeches, and certainly all my statements which have been made since 1859, have had reference to the efforts of France to rival this country and to surpass us in the construction of armour-plated ships. I appeal to the papers upon which the hon. Members for Rochdale and Sunderland have founded their statements to prove that the noble Viscount and the Secretary for the Admiralty were right, and that at this moment Franco is ahead of England in this important element of naval strength, and that it behoves the Government not to discontinue the efforts they have made. The hon. Member has repeated that he desires to see the navy of England superior to that of France, and that he would sanction any expenditure necessary for that object. But upon that principle the House is not justified in finding fault with the late nor the present Admiralty for their efforts to make the navy of England superior to that of Franco. The hon. Member communicated his intention of impugning, I will not say my statements, but those of a gallant officer whose name I used. Now, I am bound to state, in justice to that gallant officer, that the hon. Member has failed to impugn his statement, and that the facts, indeed, completely justify every word that Admiral Elliot advanced. My statement was, that the French had fifteen iron-plated frigates and line-of-battle ships, and nine others of different descriptions. In

the official return placed in our hands by the Government I find that the French had, on January 1, 1862, six iron-plated frigates afloat and ten building, making a total of sixteen. Admiral Elliot stated the number of iron-plated vessels of other descriptions at nine; while by the Return it appears the French have twelve afloat and two building, being a total of thirty, instead of twenty-four, which was my statement last year. The hon. Member for Sunderland has referred to the state of progress of those ships; but there is this difference—that he speaks of July, 1862, and I made the statement in question in May, 1861. I have spoken on the authority of this paper of sixteen iron-plated frigates. I do not, however, know whether the *Solferino* and the *Magenta* are included in that number of sixteen, for they ought not to be classed as frigates—they are two-decked vessels, carrying more powerful guns than any ships in the French or English navy. Captain Hore had fully accounted for the delay to which allusion had been made, the spur with which the bow of the *Solferino* was to be armed having been reduced from twenty-seven tons to sixteen tons weight, and a similar delay having occurred in regard to the *Magenta*. I think that Her Majesty's Government are right in the course they have taken on this subject, and I trust they will continue to pursue the same line of policy.

VISCOUNT PALMERSTON: I should like to ask the House whether we are discussing the Naval Estimates of the year, or whether we are discussing plans for the permanent fortifications of the dockyards? The two speeches of the hon. Member for Sunderland and the hon. Member for Rochdale had no bearing on the question now under discussion, but turned upon a simple comparison between the existing navy of France and the existing navy of England. Now, the hon. Member for Rochdale seems to be excessively angry with me. He accuses me of indiscretion, of levity, and of every possible breach of every possible duty that is incumbent upon a Prime Minister. I receive these accusations from him with the utmost possible quietness. I differ so entirely from the hon. Member that it is quite natural I should feel proud of being the object of the hon. Member's attacks. He said that I am actuated by an idea. Sir, I am actuated by an idea. My idea seems never to have entered the fertile brain of the hon. Member. My

idea is that England ought to be defended, that her navy cannot exist without dock-yards, and that those dockyards must be placed in a safe position against sudden attacks. That is an idea that has never entered into the mind of the hon. Member. The hon. Member has told us that he is ready to spend £100,000,000 to maintain a good navy. Now, we do not ask him to do any such thing. We ask for no more than the moderate sum recommended by the Defence Commissioners to place our naval arsenals in a state of safety. I say that the hon. Member for Rochdale is in a state of blindness and delusion which renders him utterly unfit to be listened to by the country as an adviser on matters of this sort. When the hon. Member deals in matters that he understands—when he descants on questions of free trade and commerce, we generally listen to the hon. Gentleman with the utmost deference and respect. He understands those subjects; he is imbued with sound principles, and his conclusions command our assent. But he goes beyond his *crepidam* on such matters as these. When he descants on our naval and military defences, he goes beyond the scope of his knowledge, and beyond the reach to which his understanding has extended, and he becomes a most dangerous adviser for this House and the country. ["Oh ! "] Why, Sir, I say it is so, because the hon. Member declares that it is presumption in any one to state that he is not as anxious for the honour, and dignity, and defence of the country as any man living. And the defence he proposes is reducing your army and your navy, and leaving your dockyards unfortified; because, he says, you have increased your manufacturing capital and your workmen in Birmingham, Sheffield, Manchester, and other hives of industry and capital. But the richer you are, if you do not defend your wealth, the more you invite attack. The very accumulation of wealth in the country is the reason why a part of that wealth should be devoted to national defence. And, as to the fact of your having plenty of workmen and artisans in your manufacturing towns, you cannot reckon upon them for the defence of the country against a sudden attack, because there would not be time to bring those labouring men from the centre of England, and organize them as a military or naval body, or set them to work to make fortifications. Why, it is childish, to imagine that the possession of these "resources, if you do not avail yourselves of

them beforhand, can avail to ward off a sudden attack. It is blindness and infatuation on the part of the hon. Member to entertain these views, and I am astonished that he should not be conscious of that which any man who has thought at all on this subject must comprehend. The hon. Member accuses me of great exaggeration with regard to the French army and navy. Now, I utterly deny that I have been guilty of any exaggeration. The hon. Member for Sunderland has confirmed the statement that I made, and it has been further confirmed by the papers laid before the House. Now, with regard to the French army, I stated on a recent occasion that the French army on the 1st of January consisted of 446,000 men under arms, and 170,000 men of the reserve, making a total of 616,000 men. I was reported to have made that total 816,000. It is very seldom that those gentlemen who report our debates in this House commit an error, and an error in one figure is not unnatural. But my statement was 616,000, and not 816,000. The French *Moniteur* corrected my statement; and what was that correction? It charged me with having made a little error both in the force under arms and in reserve, and the aggregate was stated by the *Moniteur* to be 612,000 instead of 616,000. That was the correction of the *Moniteur*, which completely and substantially affirmed the statement that I had made. My statement with respect to the National Guards was also substantially true. Then, with regard to the French navy, the Returns laid upon the table and the statements of the hon. Member for Sunderland have shown that the number of iron-clad ships in the French navy is greater than that which I represented last year. The hon. Member has stated that they have thirty-seven and we have twenty-seven, and those are very much about the relative numbers. I said that they were thirty-six and twenty-five, and he says they are thirty-seven and twenty-seven respectively. Whether we take one statement or the other, it is admitted that in iron-plated ships, which are to be regarded in future as the real strength of a navy, a neighbouring Power is stronger than ourselves. Well, then, the hon. Member for Rochdale has repeated this evening the statement which he published in his pamphlet, and has endeavoured to show the comparative amount of labour employed in the dockyards of

England and France at certain periods, and the amount of the Naval Estimates of the two countries. Now, the right hon. Baronet the Member for Droitwich has very properly stated that that comparison is fundamentally fallacious—fallacious upon the ground of the money expended on workmen. A man in the French dockyards gets 2*s.* 6*d.*, a man in the English 4*s.* 6*d.* a day. It is evident, therefore, that with the same number of men working, the cost of the English dockyards must, from the rate of wages, be greater. Then, with regard to the ships in commission, the general expenditure in wages of a 90-gun ship in the two services is as £19,000 a year for a French ship, to £29,000 for an English, so that the latter cost £10,000 a year more. Well, all that shows, that the forces being equal, the actual expenditure of the one country must be much larger than that of the other. Therefore, it is perfectly fallacious, as a measure of relative strength, to tell us only what is spent, unless you also take into account the disproportion between the wages of labour. Well, Sir, I shall not intrude long upon the attention of the House, because it does really appear to me, as was stated by the right hon. Baronet the Member for Droitwich, that all the eloquence which we have heard from the two hon. Members was utterly beside the question. Granted, if you will, that there is at present no appearance or any likelihood of war between the two countries; that is the reason why you ought to employ the interval of peace in placing yourselves in a condition to meet a different state of things. It is the utmost degree of folly to conclude that because this year, or next year, or the year after, we are not likely to have our relations with a neighbouring Power altered, we are therefore to leave our dockyards in a state which, if anything were to happen, would not find them in a condition of adequate defence. If we were proposing something that could be accomplished in twelve months, or a couple of years, I should deem the argument of the hon. Member of some force and value; but that which we are proposing to you is a measure founded upon deep reflection, and calculated to endure for a length of time. We ask you to place our dockyards in that position in which they will be safe from attack by any foreign Power. And here I must say that I entertain very little apprehension that the feelings of the hon. Member for Rochdale

will be shared in by the country, because I have a conviction that these opinions are confined to a few persons; and, so far from my being afraid of any responsibility which I am incurring in proposing that we should defend our dockyards, I should feel myself unworthy to hold the position which I occupy—I would not continue to be responsible if I thought that the Members of this House would not furnish the means of defence which I consider absolutely indispensable for the future security of this country. I therefore have an "idea" which the hon. Member has not, that "idea" been deeply implanted in my mind. So far from believing that the attacks of the hon. Member will do me the least damage in the estimation of my countrymen, I am glad that he has had an opportunity of pointing out distinctly the wide difference of opinion between himself and me. With regard to the defence of the country, my mode is different from his. Whatever he may say with regard to the improbability of war, though his advice may be—

"Oremus pacem, et dextras tendamus inermes," I, on the contrary, am for preparing ourselves for war in time of peace, and doing it scientifically, and with forethought. I am for preparing ourselves for the storm that may or may not come, and then we may reckon on a continuance of peace; for we may depend upon it there is nothing which will contribute so much to the permanent peace and security of the country as its being known to foreign nations that we are in a condition to defend ourselves if attacked. As to the expense which these fortifications will involve, I will ask any hon. Member to compare it with the disastrous consequences of the presence of an invading force in this country for a fortnight or a month. Let us see what war is costing that republic beyond the Atlantic, let us see the efforts that nation has been compelled to make because there was no previous preparation. They had all on a sudden to organize what they wanted for the contest they are engaged in. Let not us, in this country, fall into the same error; let us do what we can quietly and economically; let us prepare what is necessary for any contingency that may happen, and when that is done we shall have done more for peace than the commercial treaty of the right hon. Gentleman. We shall have done more than his free trade. We shall have done that which I trust will make us respected by other countries, and will tend

to the security and permanence of that peace which I have as much at heart as he has, though I think I go a better way about preserving it.

*Amendment, by leave, withdrawn.*

*Main Question put, and agreed to.*

*Bill considered in Committee.*

*House resumed.*

Committee report Progress ; to sit again on *Thursday*.

**COUNTY SURVEYORS (IRELAND) BILL.**

[BILL NO. 122.] *COMMITTEE.*

*Order for Committee read.*

*Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."*

MR. SCULLY moved, as an Amendment, that the Bill be committed this day three months. He thought that it was too late an hour (a quarter past one o'clock) to commence a discussion on the measure. The present mode, according to which the county surveyors in Ireland were appointed, was better than the plan proposed by this Bill, which would establish a system of centralization, inasmuch as the qualifications of candidates were to be examined into by the Civil Service Commissioners in England instead of by the Board now appointed by the Lord Lieutenant of Ireland. His opinion was that even with the Amendments of which notice had been given, the Bill could not be made a presentable measure ; and he concluded by moving that the House should go into Committee upon it that day three months.

*Amendment proposed,*

To leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee,"

—instead thereof.

*Question, "That the words proposed to be left out stand part of the Question," put, and agreed to.*

*Main Question put, and agreed to.*

*House in Committee.*

*Clause 1 agreed to.*

*Clause 2.*

MR. SCULLY moved that the Chairman should report progress.

*Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."*

The Committee divided : — Ayes 5 ; Noes 62 : Majority 57.

SIR ROBERT PEEL said, that seeing such a determination evinced on the part of some of the Members from Ireland to offer every opposition to the measure, he should move that the Chairman should report progress and ask leave to sit again.

MR. HENNESSY stated his determination to oppose the measure throughout.

COLONEL DICKSON hoped that the right hon. Gentleman would not be induced to withdraw the measure.

VISCOUNT PALMERSTON said, his right hon. Friend had no intention of withdrawing the Bill.

*House resumed.*

Committee report Progress ; to sit again on *Thursday*.

House adjourned at Three o'clock.



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**\*—** When in the Text or in the Index a Speech is marked thus\*, it indicates that the Speech is reprinted from a Pamphlet or some authorized Report.

When in the Index a † is prefixed to a Name or an Office (the Member having accepted or vacated office during the Session) and to Subjects of Debate thereunder, it indicates that the Speeches on those Subjects were delivered in the speaker's private or official character, as the case may be.

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